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TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

September 25, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 14"
**Response to Opposition Statement by MAN and subsequent
communications from MAN and KBA**

Ch. König

(Christian König)

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office
Ehrhardstrasse 27

80298 München

Your reference, your message of
Mar. 2 98

Our references, our message of
MR00644 FRic/HWo

Extension
2872

Date
May 5 98

EP- application no. 94103832.5 – 2304, EP 0 620 115
“Device for inline-coating of materials to be printed ...”

The patent proprietor requests to maintain the European patent EP 0 620 115 B1 in its entirety. The opposition is to be rejected.

We will adhere to the document designations that were introduced by the opponent.

With regard to K1:

The proprietor does not share the opinion of the opponent. Even though K1, page 13 discloses an offset printing machine with two coating units, at no point does the schematic drawing prove that these units “operate with relief plates”.

In addition, it is an invalid conclusion that the only difference between the contested patent and K1 lies in the fact that the feed pump and the suction pump are not shown in K1.

Page 13 of document K1 does not prove that the first coating unit, upstream with respect to the sheet running direction, is a flexo printing unit and that the flexo printing unit comprises, among other things, a relief form carrying form cylinder, a screen applicator roller, and a doctor blade chamber with feed pump and suction pump for fluid circulation.

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.

Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer

Opferkuch, Ph.D. Eng.,
Kurt Wildhagen
District Court

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Companies No. 5137
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Landeszentralbank,
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Account # 50 506 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2, European Patent Office Munich, May 5 98

With regard to K2:

The delivery cylinder 42 is shown in two embodiments. In the first embodiment, the delivery cylinder 42 is executed as sheet feed cylinder and carries a "Superblue" blanket (e.g. Fig. 3, item 122). In the second embodiment, the delivery cylinder 42 is optionally executed as a form cylinder, which carries a rubber blanket for coating. If required, this feature is used in a planographic printing process to apply the coating onto printed matter. But this operating principle is not the subject matter of the contested patent. In addition, the opponent fails to recognize that K2 discloses an offset printing machine with only one selectively operable coating unit. In contrast, the contested patent is based on an offset printing machine with at least two coating units.

With regard to K3:

The patent proprietor mentions already in the introduction of the patent specification that it is known in the art to process lacquer in a flexo printing unit. In this respect, K3 does not introduce any new facts into the proceedings.

The statements in the abstract are not part of the subject matter of the contested patent. The opponent can not demonstrate, even through a combination of features mentioned in K1 and K2, that the entirety of the contested patent was self-suggestive. With regard to inventive steps, the submitted documents do not contain any leads on why a person skilled in the art should – without any inventive steps - arrive at the subject matter of the contested patent. In this respect, this also raises the issue of the case's merit. The opposition is to be rejected.

MAN Roland Druckmaschinen AG

Per pro	pp.
/signature/	/signature/
Stahl	Richter
General power of attorney 20809	General power of attorney 36563

/Stamp:/

Forwarded: May 18 98 /initial/
Date Initial

KBA

Mailed on: July 16 1998

Registered mail
European Patent Office
Erhardtstrasse 27
80298 München

Koenig & Bauer-
Albert AG

Postfach 6060
D97010 Würzburg

Friedrich König str 4
D97080 Würzburg

Tel (0931) 909-0
Fax (0931) 9094101
Telex 68648 kbwzb d

Date	July 14 1998
Our reference	IP3 0620115/326/ 98 1292/S1/sa .
Ext (0931) 909 -	43 26
Your letter of	May 18 1998
Your reference.	94103832 5-2304

Fax direct line: 0931/909-4789

European Patent no. 0 620 115 B1
European Application no. 94 103 832.5
"Device for inline-coating of materials to be printed ..."
Patent proprietor: MAN Roland Druckmaschinen AG
Opponents: Koenig & Bauer-Albert AG

In reply to the communication of May 18 1998

1. Motions
All motions filed until now are being maintained.
2. Statement of arguments
The arguments of the patent proprietor are not compelling.

In particular, a person skilled in the art learns from the document K1 - as already stated in the opposition case statement -, that it is possible to operate with a relief form using an anilox roller in combination with a doctor blade chamber.

Koenig & Bauer-Albert AG

/signature/
per pro Ruckmann
General power of
attorney No. 6678

/signature/
pp. Stiel
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attorney No. 36992

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The opponent does not introduce any new facts into the proceedings. In particular, the cited document K1 only suggests that further process optimization seems achievable by using an anilox roller in combination with a doctor blade chamber, as is already practiced in many cases in flexo printing. On this occasion the opponent does not mention – apparently in an attempt to trivialize the invention – the part of the sentence stating that this combination is being applied in flexo printing.

It is not disclosed in detail to a person skilled in the art how a printing machine with printing units for multi-color offset printing and with at least two coating units is to be equipped with a flexo printing unit. Here, an inventive step was necessary to solve the presented problem.

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Page 2, European Patent Office, Munich, Aug. 21st 98

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KBA

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Registered mail
European Patent Office
Erhardtstrasse 27
80298 München

**Koenig & Bauer-
Albert AG**
Postfach 6060
D97010 Würzburg

Friedrich König str 4
D97080 Würzburg

Tel. (0931) 909-0
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European Application no. 94 103 832.5
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P O box 10 12 64
D-63012 Offenbach/Main
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E-MAIL: koenig@ipTranslation.com

September 25, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 14"

**Response to Opposition Statement by MAN and subsequent
communications from MAN and KBA**

Ch. König

(Christian König)

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office
Ehrhardstrasse 27

80298 München

Your reference, your message of
Mar. 2 98

Our references, our message of
MR00644 FRic/HWo

Extension
2872

Date
May 5 98

EP- application no. 94103832.5 – 2304, EP 0 620 115
“Device for inline-coating of materials to be printed ...”

The patent proprietor requests to maintain the European patent EP 0 620 115 B1 in its entirety. The opposition is to be rejected.

We will adhere to the document designations that were introduced by the opponent.

With regard to K1:

The proprietor does not share the opinion of the opponent. Even though K1, page 13 discloses an offset printing machine with two coating units, at no point does the schematic drawing prove that these units “operate with relief plates”.

In addition, it is an invalid conclusion that the only difference between the contested patent and K1 lies in the fact that the feed pump and the suction pump are not shown in K1.

Page 13 of document K1 does not prove that the first coating unit, upstream with respect to the sheet running direction, is a flexo printing unit and that the flexo printing unit comprises, among other things, a relief form carrying form cylinder, a screen applicator roller, and a doctor blade chamber with feed pump and suction pump for fluid circulation.

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng
Board of directors
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Kurt Wildhagen
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT-Id # 611136557

Routing # 605 400 26
Account # 4 289 686
Routing # 505 800 05
Account # 5 062 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 506 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2, European Patent Office Munich, May 5 98

With regard to K2:

The delivery cylinder 42 is shown in two embodiments. In the first embodiment, the delivery cylinder 42 is executed as sheet feed cylinder and carries a "Superblue" blanket (e.g. Fig. 3, item 122). In the second embodiment, the delivery cylinder 42 is optionally executed as a form cylinder, which carries a rubber blanket for coating. If required, this feature is used in a planographic printing process to apply the coating onto printed matter. But this operating principle is not the subject matter of the contested patent. In addition, the opponent fails to recognize that K2 discloses an offset printing machine with only one selectively operable coating unit. In contrast, the contested patent is based on an offset printing machine with at least two coating units.

With regard to K3:

The patent proprietor mentions already in the introduction of the patent specification that it is known in the art to process lacquer in a flexo printing unit. In this respect, K3 does not introduce any new facts into the proceedings.

The statements in the abstract are not part of the subject matter of the contested patent. The opponent can not demonstrate, even through a combination of features mentioned in K1 and K2, that the entirety of the contested patent was self-suggestive. With regard to inventive steps, the submitted documents do not contain any leads on why a person skilled in the art should – without any inventive steps - arrive at the subject matter of the contested patent. In this respect, this also raises the issue of the case's merit. The opposition is to be rejected.

MAN Roland Druckmaschinen AG

Per pro	pp.
/signature/	/signature/
Stahl	Richter
General power of attorney 20809	General power of attorney 36563

/Stamp:/
Forwarded: May 18 98 /initial/
Date Initial

KBA

Mailed on: July 16 1998

Registered mail
European Patent Office
Erhardtstrasse 27
80298 München

**Koenig & Bauer-
Albert AG**

Postfach 6060
D97010 Würzburg

Friedrich König str 4
D97080 Würzburg

Tel. (0931) 909-0
Fax. (0931) 9094101
Telex 68648 kbwzb d

Date	July 14 1998
Our reference.	IP3 0620115/326/ 98 1292/S1/sa 43 26
Ext (0931) 909 -	
Your letter of Your reference	May 18 1998 94103832 5-2304

Fax direct line: 0931/909-4789

European Patent no. 0 620 115 B1
European Application no. 94 103 832.5
"Device for inline-coating of materials to be printed ..."
Patent proprietor: MAN Roland Druckmaschinen AG
Opponents: Koenig & Bauer-Albert AG

In reply to the communication of May 18 1998

1. Motions
All motions filed until now are being maintained.
2. Statement of arguments
The arguments of the patent proprietor are not compelling.

In particular, a person skilled in the art learns from the document K1 - as already stated in the opposition case statement -, that it is possible to operate with a relief form using an anilox roller in combination with a doctor blade chamber.

Koenig & Bauer-Albert AG

/signature/
per pro Ruckmann
General power of
attorney No. 6678

/signature/
pp. Stiel
General power of
attorney No. 36992

/Stamp:/
Forwarded: July 27 98 /initial/
Date Initial

Chairman of the
board.
Peter Rempel

Board of directors
Reinhart Slewert,
chairperson
Claus Bolze-
Schünemann, Cert
Eng
Dieter Jensen,
Cert Eng
Burkhard Roös,
Detlef Stork, Cert
Eng.

Registered office:
Würzburg
Registrar of
companies
Würzburg
Commercial
Registration
5 108

Postal Account:
Nürnberg
Routing number
780 100 85
Account no.
422-860

Landeszentralbank
Current Account
Würzburg
Routing number
790 000 00
Account no
79 008 600

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
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Offenbach/Main

European Patent Office
D-80298 München

Your reference, your message of
July 27 1998

Our references, our message of
MR00644/ FRic/HWo

Extension
2872

Date
Aug. 21 1998

RE: EP- application no. 94103832.5 – 2304, EP 0620115 B1
“Device for inline-coating of materials to be printed in offset printing machines”

In reply to the written statement by the opponent of July 14th 1998, received here on July 28th 1998.

The opponent does not introduce any new facts into the proceedings. In particular, the cited document K1 only suggests that further process optimization seems achievable by using an anilox roller in combination with a doctor blade chamber, as is already practiced in many cases in flexo printing. On this occasion the opponent does not mention – apparently in an attempt to trivialize the invention – the part of the sentence stating that this combination is being applied in flexo printing.

It is not disclosed in detail to a person skilled in the art how a printing machine with printing units for multi-color offset printing and with at least two coating units is to be equipped with a flexo printing unit. Here, an inventive step was necessary to solve the presented problem.

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Eng.
Board of directors:
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P.O. box 10 12 64
D-63012 Offenbach/Main
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Telex 4152853 mro d
Fax: (069) 8305-1440

MAN
ROLAND

Page 2, European Patent Office, Munich, Aug. 21st 98

The patent proprietor maintains his motions. At this point we request a ruling. As an alternative, we request oral proceedings.

MAN Roland Druckmaschinen AG

Per pro pp.

/signature/ /signature/

Stahl Richter

General power of General power of
attorney 20809 attorney 36563

/Stamp:/

Forwarded: Sept. 17 98 /initial/
Date Initial

MAN Roland Druckmaschinen AG



Produktbereich
Bogenmaschinen
Offenbach/Main

Europäisches Patentamt
Ehrhardstraße 27

80298 München

Ihre Zeichen, Ihre Nachricht vom	Unsere Zeichen, unsere Nachricht vom	Durchwahl	Datum
02.03.98	MR00644 FRic/HWo	2872	05.05.1998

EP-Anm.Nr. 94103832.5 - 2304, EP 0 620 115,

2304 990

„Einrichtung zum Inline-Beschichten von Bedruckstoffen“

Die Patentinhaberin beantragt die Aufrechterhaltung des europäischen Patentes EP 0 620 115 B1 in vollem Umfang. Der Einspruch ist zurückzuweisen.

Die von der Einsprechenden eingebrachte Bezeichnung der Dokumente wird beibehalten.

Zu K 1:

Die Auffassung der Einsprechenden wird von der Patentinhaberin nicht geteilt. So ist aus K 1, S. 13, zwar eine Offsetdruckmaschine mit zwei Lackwerken zu entnehmen, daß diese „mit Hochdruckplatten arbeiten“ ist an keiner Stelle der Schemazeichnung belegt. Darüber hinaus greift die Schlußfolgerung nicht, daß als Unterschied zwischen Streitpatent und K1 lediglich die Förderpumpe sowie die Saugpumpe in K1 nicht gezeigt sei. Durch S. 13 des Dokumentes K1 ist nicht bewiesen, daß die in Bogenlaufrichtung vorgeordnete erste Lackiereinheit ein Flexodruckwerk ist und daß das Flexodruckwerk unter anderem einen eine Hochdruckform tragenden Formzylinder, eine gerasterte Auftragwalze und eine Kammerrakel mit Förderpumpe und Saugpumpe für die Fluidzirkulation aufweist.

Vorsitzender des Aufsichtsrates:
Dr.-Ing. E.h. Rudolf Rupprecht
Vorstand:
Gerd Finkbeiner, Martin Lange,
Dr.-Ing. Rainer Opferkuch,
Kurt Wildhagen
Amtsgericht Offenbach HRB-Nr 5137

Commerzbank AG Offenbach/M., BLZ 505 400 28, Kto.-Nr. 4 289 666
Dresdner Bank AG. Offenbach/M., BLZ 505 800 05, Kto.-Nr. 5 082 821
Deutsche Bank AG. Offenbach/M., BLZ 505 700 18, Kto.-Nr. 0 750 000
Landeszentralbank. Offenbach/M., BLZ 505 000 00, Kto.-Nr. 50 508 110
UST-Ident-Nr. DE 811136557

MAN Roland
Druckmaschinen Aktiengesellschaft
Mühlheimer Straße 341
D-63075 Offenbach/Main
Postfach 10 12 64
D-63012 Offenbach/Main
Telefon (069) 83 05-0

Seite 2, Europäisches Patentamt, München, 05.05.98

Zu K 2:

Der Auslegerzylinder 42 zeigt zwei Ausbildungen auf. In einer ersten Ausbildung ist der Auslegerzylinder 42 als Bogenführungszyylinder ausgeführt und trägt ein „Superblue“-Tuch (z.B. Fig. 3, Pos. 122). In einer zweiten Ausbildung ist der Auslegerzylinder 42 wahlweise ein Formzylinder, welcher ein Gummituch zum Beschichten trägt. Damit wird bei Bedarf im Flachdruckverfahren der Lackauftrag auf einen Bedruckstoff durchgeführt. Dieses Arbeitsprinzip ist jedoch nicht Gegenstand des Streitpatentes. Weiterhin verkennt die Einsprechende, daß K2 eine Offsetdruckmaschine mit lediglich einer wahlweise einsetzbaren Lackvorrichtung offenbart. Das Streitpatent geht dagegen von einer Offsetdruckmaschine mit wenigstens zwei Lackiereinheiten aus.

Zu K 3:

Daß es bekannt ist, in einem Flexodruckwerk Lack zu verarbeiten, ist von der Patentinhaberin in der Beschreibungseinleitung bereits gewürdigt worden. Insofern bringt K3 keinen neuen Sachverhalt in das Verfahren ein.

Die Ausführungen in der Zusammenfassung führen nicht zum Gegenstand des Streitpatentes. Die Einsprechende kann auch durch Kombination der angesprochenen Merkmale aus K1 und K2 nicht aufzeigen, daß die Gesamtheit des Streitpatentes nahegelegen hat. Hinsichtlich der erfinderischen Tätigkeit zeigen die eingebrachten Dokumente keinen Anhaltspunkt auf, warum ein Fachmann - ohne erfinderisches Zutun - zum Gegenstand des Streitpatentes gelangen sollte. Insofern stellt sich auch die Frage der Begründetheit. Der Einspruch ist zurückzuweisen.

MAN Roland Druckmaschinen AG
ppa. i. A.

Stahl, AV 20809 Richter, AV 36563

übersandt 18. 05. 98
Datum Zeichen
00203



Zur Post am
mailed on 16. Juli 1998

Koenig & Bauer-Albert AG

Postfach 6060
D-97010 Würzburg

Friedrich-Koenig-Str. 4
D-97080 Würzburg

Telefon (0931) 909-0
Telefax (0931) 9094101
Teleex 68848 kbwbz d

Datum
Date

Unsere Zeichen
Our reference

Tele.-Durchwahl
Ext. (0931) 909-

Ihr Schreiben vom
Your letter of

Ihre Zeichen
Your reference

Fax direkt: 0931/909-4789

1998-07-14

1P3.0620115/326
98.1292/S1/sa
43 26

18.05.1998

94103832.5-2304

Einschreiben

Europäisches Patentamt
Erhardtstraße 27

80298 München

Europäisches Patent Nr. 0 620 115 B1
Europäische Anmeldenummer 94 103 832.5

2304 270

"Einrichtung zum Inline-Beschichten von Bedruckstoffen ..."

Patentinhaber: MAN Roland Druckmaschinen AG

Einsprechende: Koenig & Bauer-Albert AG

Auf den Bescheid vom 18.05.1998

1. Anträge

Alle bisher gestellten Anträge werden aufrecht erhalten.

2. Begründung

Die Argumente der Patentinhaberin können nicht überzeugen.

Insbesondere entnimmt ein Fachmann dem Dokument K1 - wie bereits im Einspruchsschriftsatz dargelegt -, daß mit einer Hochdruckform unter Einsatz einer Rasterwalze im Verbund mit einem Kammerrakelsystem gearbeitet werden kann.

Koenig & Bauer-Albert AG

Dr. Ruckmann

i.V. Stiel

Allg. Vollm. Nr. 6678

Allg. Vollm. Nr. 36992

versandt 27.07.98
Datum
Zeichen

Vorsitzender
des Aufsichtsrates
Peter Reimpell

Vorstand
Reinhard Siewert, Vorsitzender
Dipl.-Ing. Claus Bolza-Schunemann
Dipl.-Ing. Dieter Jensen
Burkard Rone

Sitz der Gesellschaft
Würzburg
Amtsgericht Würzburg
Handelsregister B 109

Postgirokonto
Postal Account
Nürnberg
BLZ 760 100 85
Konto-Nr. 422 850

Landeszentralbank
Current Account
Würzburg
BLZ 790 000 00
Konto-Nr. 79 000 000

MAN Roland Druckmaschinen AG



Produktbereich
Bogenmaschinen
Offenbach/Main

Europäisches Patentamt

D-80298 München

Ihre Zeichen, Ihre Nachricht vom

27.07.1998

Unsere Zeichen, unsere Nachricht vom

MR00644/FRic/HWo

Durchwahl

2872

Datum

21.08.1998

Betr.: EP-Anm. 94103832 .5-2304 / EP 0620115 B1,

"Einrichtung zum Inline-Beschichten von Bedruckstoffen in
Offsetdruckmaschinen"

Auf den Schriftsatz der Einsprechenden vom 14. Juli 1998, hier eingegangen am
28.07.1998

Die Einsprechende bringt keinen neuen Sachverhalt in das Verfahren ein. Insbesondere das zitierte Dokument K1 gibt lediglich den Hinweis, daß mit einer Rasterwalze im Verbund mit einem Kammerrakelsystem, wie es im Flexodruck bereits vielfach Anwendung findet, weitere Verfahrensoptimierungen möglich erscheinen. Hierbei verschweigt die Einsprechende - offenbar um die Erfindung zu banalisieren - den Nachsatz daß dieser Verbund bisher im Flexodruck Anwendung findet. Wie eine Druckmaschine mit Druckwerken für den Mehrfarbenoffsetdruck und mit wenigstens zwei Lackiereinheiten dann mit einem Flexodruckwerk ausgebildet sein soll,

Vorsitzender des Aufsichtsrates:
Dr.-Ing. E.h. Rudolf Rupprecht
Vorstand:
Gerd Finkbeiner, Martin Lange,
Dr.-Ing. Rainer Opferkuch,
Kurt Wildhagen
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USt-Ident-Nr DE 811136557

MAN Roland
Druckmaschinen Aktiengesellschaft
Mühlheimer Straße 341
D-63075 Offenbach/Main
Postfach 10 12 64
D-63012 Offenbach/Main
Telefon: (0 69) 83 05 - 0

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA

TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961

E-MAIL: koenig@ipTranslation.com

September 27, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 15"

Preliminary Opinion of the Opposition Division

Ch. König

(Christian König)

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Oct. 2nd 98

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/
Applicant/Proprietor MAN Roland Druckmaschinen AG	

Communication pursuant to article 101(2) and rule 58(1) to (4) EPC

I. The further **examination of the opposition/oppositions** is based on the following documents:

☒ the patent specification

☐ **Description:**

column(s):	of the patent specification
page(s):	received on by letter of
page(s):	received on by letter of
page(s):	received on by letter of

☐ **Patent claims:**

No.:	of the patent specification
No.:	received on by letter of
No.:	received on by letter of

☐ **Drawings:**

Sheet:	of the patent specification
Sheet:	received on by letter of
Sheet:	received on by letter of

Including the following modifications of the above-mentioned documents

a) pursuant to motion of patent claims no.:
Description column(s)/page(s) drawing(s) sheet:

b) by the Opposition Division patent claims No.:
Description column(s)/page(s) drawing(s) sheet:

REGISTERED MAIL

File copy
OREX coded: Sept 29th 98 MM /initial/
Date Initial

[X] II. The (further) examination of the opposition/oppositions has led to the findings, which are shown in the enclosure.

[X] The patent proprietor

[X] The opponent

is asked to submit a statement of opinion within a

period of 4 months

from delivery of this communication.

[X]

/ Three crossed-out paragraphs omitted (The Translator) /

Should the deficiencies that are listed in the enclosed grounds not be remedied by the patent proprietor, or not be remedied completely, then the revocation of the European patent should be expected, unless the patent proprietor can demonstrate that deficiencies have been wrongfully claimed.

If modifications of the description, the patent claims, or the drawings are made in the form of fair copies, then these must be submitted in triplicate on separate sheets within the specified time period (Rule 36(1) EPC)

[] It is left to the discretion of the (other) parties concerned, to submit an opinion within the aforesaid time period.

[] III. Notification pursuant to rule 58(4) EPC.

Hereby you are informed that the Opposition Division intends to maintain the European patent in the version revealed in the aforesaid documents:

Should you not agree with the version in which the European patent will be maintained, then you are asked to comment within a period of two month after delivery of this notice (Rule 68 (4) EPC).

IV. Enclosed with the statement of opinion must be 1 copy for the other parties concerned. If copies are not enclosed in the required number, then missing copies will be made, which will be charged to the party concerned (Rule 36(4) EPC).

If documents are introduced that have not yet been mentioned in the proceedings then these must be submitted in duplicate. We refer to Rule 59 EPC.

Authorized member /signature/
of the Opposition Division /stamp: E. Greiner/

Tel.: (089) 2399 - 8734

Official in charge /signature/
/stamp: J Mellado y Mellado/

Enclosures: Communication (annex) (form 2906) (3 pages)

[] modified documents

[] Statement of opinion of the patent proprietor of ...

[] Statement of opinion of the opponent of ... (OPPO 01)

of ... (OPPO 02)

of ... (OPPO 03)

File copy

[illegible]

1.1 At present, the following documents are part of the opposition proceedings:

K2 = US-A-5 176 077

1.2 Document K1:

1.2.2 In addition, the special design of the two coating modules of the printing machine "Fünffarben Roland 700" that is described in document K1, can not be discerned unambiguously in the submitted copy.

1.2.3 Should the opponent not be able to establish that the technical data on coating modules in offset printing machines, which is disclosed in document K1, has in fact been published prior to the priority date (April 16 1993) of the contested patent, pursuant to the provisions of article 54(2) EPC, then the document K1 will **not** be taken into consideration in the present opposition proceedings.

1.3 Documents K2 and K3:

The documents K2 and K3 comply with the provisions of article 54(2) EPC.

2. Novelty / Inventive steps

2.1 In the assessment of novelty and inventive steps of the contested claim 1, the Opposition Division starts out from the following different cases:

2.2 Case A:

2.2.1 Should the opponent be able to establish that the document K1 is part of the state of art pursuant to article 54(2) EPC, then the Opposition Division expects to side with the arguments of the opponent in his letters of January 20 1998 and July 14 1998. It is true that in this connection the claim 1 should be considered novel in the sense of article 54 EPC, but there exists a lack of inventive steps in the sense of article 56 EPC when compared with a combination of the documents K1 and K2 (see letter of January 20 1998, items 3.2.1 and 3.3)

2.2.2 In this case, the contested patent must be revoked pursuant to article 102(1) EPC.

2.3 Case B:

2.3.1 Should the document K1 not be part of the state of the art, pursuant to article 54(2) EPC, then the Opposition Division can not perceive any lack of novelty or inventive steps of the independent claim 1.

T2420-01.91CSX

2.3.2 In this case, the opposition would be rejected pursuant to article 102(2) EPC.

102(2) EPC

CHRISTIAN H.B. KÖNIG
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Fax 069/2300-4465

European Patent Office

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Applicant/Proprietor MAN Roland Druckmaschinen AG	

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of the Opposition Division /stamp: E. Greiner/

Tel.: (089) 2399 - 8734

Official in charge /signature/
/stamp: J Mellado y Mellado/

Enclosures: Communication (annex) (form 2906) (3 pages)

[] modified documents

[] Statement of opinion of the patent proprietor of ...

[] Statement of opinion of the opponent of ... (OPPO 01)

of ... (OPPO 02)

of ... (OPPO 03)

File copy

In an interlocutory statement of opinion, the Opposition Division takes the following position:

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1.1 At present, the following documents are part of the opposition proceedings:

K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15

K2 = US-A-5 176 077

K3 = copy from the reference book: "Flexodruck von A bis Z", cover page, masthead, page 160

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1.2.1 Up to now, the opponent has not documented at which point in time during the year 1993 the document K1 was published. But this question is of considerable significance for the contested patent at hand, which claims a priority date of April 16th 1993 (DE 9305552).

1.2.2 In addition, the special design of the two coating modules of the printing machine "Fünffarben Roland 700" that is described in document K1, can not be discerned unambiguously in the submitted copy.

But this is of considerable significance in the present opposition proceedings, since the contested claim 1 explicitly claims coating modules of a special design.

1.2.3 Should the opponent not be able to establish that the technical data on coating modules in offset printing machines, which is disclosed in document K1, has in fact been published prior to the priority date (April 16 1993) of the contested patent, pursuant to the provisions of article 54(2) EPC, then the document K1 will not be taken into consideration in the present opposition proceedings.

1.3 Documents K2 and K3:

The documents K2 and K3 comply with the provisions of article 54(2) EPC.

2. Novelty / Inventive steps

2.1 In the assessment of novelty and inventive steps of the contested claim 1, the Opposition Division starts out from the following different cases:

2.2 Case A:

2.2.1 Should the opponent be able to establish that the document K1 is part of the state of art pursuant to article 54(2) EPC, then the Opposition Division expects to side with the arguments of the opponent in his letters of January 20 1998 and July 14 1998. It is true that in this connection the claim 1 should be considered novel in the sense of article 54 EPC, but there exists a lack of inventive steps in the sense of article 56 EPC when compared with a combination of the documents K1 and K2 (see letter of January 20 1998, items 3.2.1 and 3.3)

2.2.2 In this case, the contested patent must be revoked pursuant to article 102(1) EPC.

2.3 Case B:

2.3.1 Should the document K1 not be part of the state of the art, pursuant to article 54(2) EPC, then the Opposition Division can not perceive any lack of novelty or inventive steps of the independent claim 1.

2.3.2 In this case, the opposition would be rejected pursuant to article 102(2) EPC.

TELETYPE UNIT

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA

TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961

E-MAIL: koenig@ipTranslation.com

September 27, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 15"

Preliminary Opinion of the Opposition Division

Ch. König

(Christian König)

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Oct. 2nd 98

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/
Applicant/Proprietor MAN Roland Druckmaschinen AG	

Communication pursuant to article 101(2) and rule 58(1) to (4) EPC

I. The further examination of the opposition/oppositions is based on the following documents:

☒ the patent specification

☐ **Description:**

column(s):	of the patent specification
page(s):	received on by letter of
page(s):	received on by letter of
page(s):	received on by letter of

☐ **Patent claims:**

No.:	of the patent specification
No.:	received on by letter of
No.:	received on by letter of

☐ **Drawings:**

Sheet:	of the patent specification
Sheet:	received on by letter of
Sheet:	received on by letter of

Including the following modifications of the above-mentioned documents

a) pursuant to motion of patent claims no.:
Description column(s)/page(s) drawing(s) sheet:

b) by the Opposition Division patent claims No.:
Description column(s)/page(s) drawing(s) sheet:

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OREX coded: Sept 29th 98 MM /initial/
Date Initial

[X] II. The (further) examination of the opposition/oppositions has led to the findings, which are shown in the enclosure.

[X] The patent proprietor

[X] The opponent

is asked to submit a statement of opinion within a

period of 4 months

from delivery of this communication.

[X]

/ Three crossed-out paragraphs omitted (The Translator) /

Should the deficiencies that are listed in the enclosed grounds not be remedied by the patent proprietor, or not be remedied completely, then the revocation of the European patent should be expected, unless the patent proprietor can demonstrate that deficiencies have been wrongfully claimed.

If modifications of the description, the patent claims, or the drawings are made in the form of fair copies, then these must be submitted in triplicate on separate sheets within the specified time period (Rule 36(1) EPC)

[] It is left to the discretion of the (other) parties concerned, to submit an opinion within the aforesaid time period.

[] III. Notification pursuant to rule 58(4) EPC.

Hereby you are informed that the Opposition Division intends to maintain the European patent in the version revealed in the aforesaid documents:

Should you not agree with the version in which the European patent will be maintained, then you are asked to comment within a period of two month after delivery of this notice (Rule 68 (4) EPC).

IV. Enclosed with the statement of opinion must be 1 copy for the other parties concerned. If copies are not enclosed in the required number, then missing copies will be made, which will be charged to the party concerned (Rule 36(4) EPC).

If documents are introduced that have not yet been mentioned in the proceedings then these must be submitted in duplicate. We refer to Rule 59 EPC.

Authorized member /signature/
of the Opposition Division /stamp: E. Greiner/

Tel.: (089) 2399 - 8734

Official in charge /signature/
/stamp: J Mellado y Mellado/

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2000-09-29 10:00:00

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

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(Christian König)

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Tel. 069/2399-0
TX 523 658 apmu d
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Marek, Joachim, Cert. Eng.
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1998-10-02 14:00:00

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D - 80298 München
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Tx 523 656 epmu d
Fax 089 / 2399 - 4465

Europäisches
Patentamt

European
Patent Office

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Directorate General 2

Direction générale 2

Marek, Joachim, Dipl.-Ing.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S,
Postfach 10 12 64
63012 Offenbach
ALLEMAGNE

Datum/Date

02.10.98

Zeichen/Ref /Réf
JMa/GScho

Anmeldung Nr /Application No /Demande n° //Patent Nr /Patent No /Brevet n°
94103832.5-2304/

Anmelder/Applicant/Demandeur//Patentinhaber/Propriétaire/Titulaire
MAN Roland Druckmaschinen AG

Bescheid gemäss Artikel 101(2) und Regel 58(1) bis (4) EPÜ

I. Der weiteren Prüfung des Einspruchs / der Einsprüche werden folgende Unterlagen zugrunde gelegt

☒ die Patentschrift

☐ Beschreibung:

Spalte(n): der Patentschrift
Seite(n): eingegangen am mit Schreiben vom
Seite(n): eingegangen am mit Schreiben vom
Seite(n): eingegangen am mit Schreiben vom

☐ Patentansprüche:

Nr.: der Patentschrift
Nr.: eingegangen am mit Schreiben vom
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☐ Zeichnungen:

Blatt: der Patentschrift
Blatt: eingegangen am mit Schreiben vom
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Mit folgenden Änderungen der obengenannten Unterlagen

- a) gemäß Antrag vom Patentansprüche Nr.:
Beschreibung Spalte(n) / Seite(n) Zeichnung(en) Blatt:
- b) durch die Einspruchsabteilung Patentansprüche Nr.:
Beschreibung Spalte(n) / Seite(n) Zeichnung(en) Blatt:

Einschreiben

Aktenexemplar

OREX codiert: 29.09.98 MM

Datum

Zeichen

33

☒ II. Die (weitere) Prüfung des/der Einspruch/e hat zu dem aus der Anlage ersichtlichen Ergebnis geführt:

☒ Der Patentinhaber

☒ Der/Die Einsprechende/n

wird/werden gebeten, innerhalb einer

Frist von 4 Monaten

nach Zustellung dieses Bescheides, eine Stellungnahme einzureichen.

☒ Die in den beigehefteten Gründen näher bezeichneten Mängel können durch die Änderungen behoben werden, die aus den beigelegten Kopien der geltenden Unterlagen ersichtlich sind. Es wird gebeten, innerhalb der genannten Frist das Einverständnis zu den vorgeschlagenen Änderungen zu erklären oder eigene Änderungen einzureichen und diese erforderlichenfalls zu begründen.

Im Falle des Einverständnisses wird um Rückgabe der Kopien gebeten. Änderungen, die der Patentinhaber in den Kopien gegebenenfalls noch vornehmen möchte, sind deutlich von den Änderungen des Prüfers abgesetzt und auch nach Vervielfältigung erkennbar anzugeben.

Wo dies nicht möglich ist, sollten die vom Patentinhaber vorgeschlagenen Änderungen in der am besten geeigneten Art vorgenommen werden (vgl. Mitteilung über Einreichung von Änderungen zu europäischen Patentanmeldungen, veröffentlicht im Amtsblatt 8/1978, Seiten 399 und 400).

Werden die in den beigehefteten Gründen angeführten Mängel vom Patentinhaber nicht oder nicht vollständig beseitigt, so muß mit dem Widerruf des europäischen Patents gerechnet werden, sofern er nicht darlegen kann, daß Mängel zu Unrecht gerügt worden sind.

Werden **Änderungen der Beschreibung, der Patentansprüche und der Zeichnungen** in Form von Reinschriften vorgenommen, so sind diese innerhalb der gesetzten Frist in **drei Stücken** auf gesonderten Blättern einzureichen (Regel 36(1) EPÜ).

☐ Den (übrigen) Beteiligten wird anheimgestellt, innerhalb der genannten Frist Stellung zu nehmen.

☐ III. Mitteilung gemäss Regel 58(4) EPÜ

Hiermit wird Ihnen mitgeteilt, daß die Einspruchsabteilung beabsichtigt, das europäische Patent in der sich aus den genannten Unterlagen ergebenden Fassung aufrechtzuerhalten:

Sie werden gebeten, innerhalb einer **Frist von zwei Monaten** nach Zustellung dieser Mitteilung Stellung zu nehmen, wenn Sie mit der Fassung, in der das europäische Patent aufrechterhalten werden soll, nicht einverstanden sind (Regel 58 (4) EPÜ).

IV. Der Stellungnahme sind 1 Abschriften für die übrigen Beteiligten beizufügen. Werden die Abschriften nicht in der erforderlichen Anzahl beigelegt, so werden die fehlenden Stücke auf Kosten des Beteiligten angefertigt (Regel 36(4) EPÜ).

Werden im Verfahren noch nicht genannte Unterlagen eingeführt, so sind diese zweifach einzureichen. Auf Regel 59 EPÜ wird hingewiesen.

Beauftragtes Mitglied
für die Einspruchsabteilung **E. Greiner**

Tel.Nr. (089) 2399 - 8734
Formalsachbearbeiter

J. Mellado y Mellado

Anlagen: Bescheid (Anlage) (Form 2906) (3 Seite/n)

☐ geänderte Unterlagen (..... Seite/n)

☐ Stellungnahme des Patentinhabers vom

☐ Stellungnahme des/der Einsprechenden vom (OPPO 01)

vom (OPPO 02)

vom (OPPO 03)

Aktenexemplar

Datum
Date
02.10.98Blatt
Sheet
Feuille
1Anmelde-Nr.:
Application No.:
Demande n°:
94 103 832.5

In einer vorläufigen Stellungnahme nimmt die Einspruchsabteilung folgende Position ein:

1. Stand der Technik:

1.1 Folgende Schriften befinden sich derzeit im Einspruchsverfahren:

K1 = Kopie aus der Zeitschrift: "Offsetpraxis", 3/1993, Seiten 12 - 15

K2 = US-A-5 176 077

K3 = Kopie aus dem Fachbuch: "Flexodruck von A bis Z", Deckblatt, Impressum, Seite 160

1.2 Dokument K1:

1.2.1

Die Einsprechende hat bisher nicht nachgewiesen, wann im Laufe des Jahres 1993 das Dokument K1 veröffentlicht wurde. Diese Frage ist jedoch von erheblicher Bedeutung für das vorliegende Streitpatent, welches eine Priorität vom 16.04.1993 (DE 9305552) beansprucht.

1.2.2

Darüberhinaus ist der spezielle Aufbau der beiden Lackmodule der im Dokument K1 beschriebenen Druckmaschine "Fünffarben Roland 700" aus der vorgelegten Kopie nicht zweifelsfrei erkennbar.

Dies ist für das vorliegende Einspruchsverfahren jedoch von erheblicher Bedeutung, da der bestrittene Anspruch 1 explizit spezielle Bauarten von Lackmodulen beansprucht.

1.2.3

Sollte die Einsprechende nicht nachweisen können, daß die im Dokument K1 beschriebenen technischen Informationen über Lackmodule in Offsetdruckmaschinen tatsächlich vor dem Prioritätstag (16.04.1993) des Streitpatents gemäß den Bestimmungen des Artikels 54(2) EPÜ veröffentlicht



wurden, so wird das Dokument K1 für das vorliegende Einspruchsverfahren **nicht** berücksichtigt.

1.3 Dokumente K2 und K3:

Die Dokumente K2 und K3 erfüllen die Bestimmungen des Artikels 54(2) EPÜ.

2. Neuheit / erfinderische Tätigkeit:

2.1 Für die Beurteilung der Neuheit und der erfinderischen Tätigkeit des bestrittenen Anspruchs 1 geht die Einspruchsabteilung von folgenden, unterschiedlichen Fällen aus:

2.2 Fall A:

2.2.1

Sollte die Einsprechende nachweisen könne, daß das Dokument K1 zum Stand der Technik gemäß Artikel 54(2) EPÜ gehört, so schließt sich die Einspruchsabteilung vorraussichtlich der Argumentation der Einsprechenden aus den Schreiben vom 20.01.1998 und 14.07.1998 an. Der Anspruch 1 ist dabei zwar als neu im Sinne des Artikels 54 EPÜ anzusehen, jedoch liegt ein Mangel an erfinderischer Tätigkeit im Sinne des Artikels 56 EPÜ gegenüber einer Kombination der Dokumente K1 und K2 vor (siehe Schreiben vom 20.01.1998 unter den Punkten 3.2.1 und 3.3).

2.2.2

In diesem Falle wäre das Streitpatent gemäß Artikel 102(1) EPÜ zu widerrufen.

2.3 Fall B:

2.3.1

Sollte das Dokument K1 nicht zum Stand der Technik gemäß Artikel 54(2) EPÜ gehören, so kann die Einspruchsabteilung keinen Mangel an Neuheit und an erfinderischer Tätigkeit des unabhängigen Anspruchs 1 erkennen.



Bescheld/Protokoll (Annex)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date
Date
02.10.98

Blatt
Sheet
Feuille
3

Anmelde-Nr.:
Application No.:
Demande n°:
94 103 832.5

2.3.2

In diesem Falle wäre der Einspruch gemäß Artikel 102(2) EPÜ zurückzuweisen.

2000-10-02 10:00:00

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 2, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 16"

MAN and KBA Response to Preliminary Opinion

Ch. König

(Christian König)

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office
Erhardstrasse 27

D-80298 München

Your reference, your message of
Oct. 2nd 98

Our references, our message of
MR00644/ FRic/HWo

Extension
2872

Date
Dec. 14, 1998

RE: European Patent application no. 94103832.5 – 2304 0620115

“Device for inline-coating of materials to be printed in offset printing machines”

In reply to the communication pursuant to article 101(2) and rule 58(1) to (4) EPC of Oct 2, 1998, received here on Oct 6, 1998.

With regard to 1

Document K1 discloses a Fünffarben-Roland 700 with two coating units (referred to as coating modules). Herein, two coating units are located downstream, with respect to the sheet running direction, of five printing units for multi-color printing. Each of the coating units comprises a support cylinder, a form cylinder, an applicator roller, and a metering roller, wherein the applicator roller and the metering roller form a roll nip, into which lacquer can be fed from above. This type of metering system (applicator roller and metering roller with a roll nip) is also known as a twin-roller unit.

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.
Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M
Dresdner Bank AG,
Offenbach/M
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P.O. box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2, European Patent Office, Munich, December 14, 1998

With regard to 2

Case A:

The filed subject matter is nonetheless based on inventive steps.

From K1 one knows of two coating units, each containing a form cylinder and a twin-roller unit as metering system. Combining one of these coating units with the two solutions according to K2 does not result in the filed subject matter. This is so because the delivery cylinder 42 in the first embodiment carries a Superblue blanket, and thus is used exclusively for sheet delivery. Consequently, a form cylinder is not present, and likewise, no coating application onto the sheet does take place.

In the second embodiment, the delivery cylinder, as a form cylinder, carries a rubber blanket for coating. A rubber blanket constitutes a planographic printing form, but this operating principle is not the subject matter of the contested patent.

In addition, a combination of K1 and K2 does not document the layout within the offset printing machine according to the contested patent.

As alternative we request oral proceedings. The applicant is of the opinion that at this point a decision can be rendered.

MAN Roland Druckmaschinen AG

Per pro	pp.
/signature/	/signature/
Stahl	Richter
General power of attorney 20809	General power of attorney 36563

/Stamp:/

Forwarded:

Dec 29, 98

/initial/

Date

Initial

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

REGISTERED MAIL

/stamp: Mailed on Feb. 11 1999/

European Patent Office
Erhardtstr. 27

80298 Munich

Koenig & Bauer AG
P O box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: Oct. 2, 1999
Our reference: 1P3 0620115
Tel. (0931) 909- 43 26
Fax (0931) 909- 47 89
Your letter of Dec 29, 1998
Your reference 94103832.5

Our reference: 1P3.0620115/ W-KL/ 1999.174/S1/sa

European Patent no. EP 06 20 115 B1
European Application No. 94 103 832.5-2304
Patent proprietor: MAN Roland Druckmaschinen AG
Opponents: Koenig & Bauer Aktiengesellschaft
formerly: Koenig & Bauer-Albert AG

IN REPLY TO THE COMMUNICATIONS OF SEPT
17, 1998 AND DEC. 29, 1998

1. Motions

- 1.1 All previously filed motions are being maintained.
- 1.2 We request to admit, in relation to the document K1: "Offsetpraxis 3/1993", the cover page and page 5 with masthead, as well as an enlargement of the illustration of the schematic machine diagram.

Chairman of the board:
Peter Rempel
Board of directors
Reinhart Slewert, chairperson
Albrecht Bolza-Schünemann, Cert Eng
Claus Bolza-Schünemann, Cert Eng
Dieter Jensen, Cert Eng
Andreas Mössner, Cert Betriebswirt
Burkhard Roos,
Walter Schumacher, Cert Eng

Registered office:
Würzburg
Registrar of companies Würzburg
Commercial Registration B 109
Postal Account:
Nürnberg
Routing number 780 100 85
Account no. 422-860
Landeszentralbank Würzburg
Routing number 790 000.00
Account no. 79 008 600

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

2. With regard to document K1: "Offsetpraxis 3/1993"
Page 5, right column, masthead, paragraph 3 reads:
"Published: monthly, in the first half"

This clearly shows that the document K1 had been published at the latest in the second half of March 1993.

As evidence thereof, we enclose a letter from the German Patent and Trademark Office, Publications Division, of Feb. 9, 1998. It clearly shows that the magazine "Offsetpraxis 3/1993 was at hand at the German Patent and Trademark Office on March 24, 1993.

Thus, the document K1 was published more than three weeks prior to the priority date of April 16, 1993.

It can be seen clearly in the enlargement of the illustration of the schematic machine diagram, that the final coating unit contains an applicator roller and a metering roller to form a metering slot.

3. With regard to inventive steps
As already set forth in the opposition case statement, the only difference between the subject matter of K1 and the subject matter of claim 1 of the contested patent is that K1 does not explicitly show a feed pump for liquid feed and a suction pump for liquid removal.

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

Based on K1, a person skilled in the art is presented with the practical task to supply and removed liquids to and from a doctor blade chamber. This task is independent of the printing method.

Therefore, the solution of this task is suggested to a person skilled in the art by K2.

Incidentally, it is part of the general professional knowledge of an average person skilled in the art to equip rubber blankets with a carriage, e.g. for so-called "spot-coatings", thus using the blankets as relief printing forms.

Best regards,

Koenig & Bauer Aktiengesellschaft

/signature/
per pro Ruckmann
General power of
attorney No. 6678

/signature/
pp. Stiel
General power of
attorney No. 36992

Enclosures:

To K1: Cover page and page 5, as well as enlarged copy of schematic machine diagram
Letter from the German Patent and Trademark Office of Feb. 9, 1999

/Stamp:/
Forwarded: Feb. 24, 1999 /initial/
Date Initial

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of

Extension

Date

MR00644/ RI/RW

2872

Mar. 2, 1999

RE: European Patent application No. 94103832.5 – 2304, EP 0 620 115 B1,
“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the statement of the opponents Koenig & Bauer AG of Feb. 10, 1999

Among other things, the opponent introduces an enlarged copy of the illustration of the schematic machine diagram. The patent proprietor at no point denied that herein the final coating unit possesses an applicator roller and a metering roller to form a roll nip. This fact has already been set forth in the written statements of Aug. 21, 98 and Dec. 14, 98.

The arguments relating to inventive steps do not introduce any new facts. The patent proprietor already explained the differences between the contested patent and the document K1 in his written statement of May 5, 98. In this regard, the opponent has not picked up the arguments of the patent proprietor. Rather, he still insists that the subject matter of K1 differs from the claim 1 of the contested patent only by a feed pump for liquid feed and a suction pump for liquid removal.

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng
Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court.
Offenbach Register of
Companies No. 5137
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Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

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Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P.O. box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

The patent proprietor does not agree with this, since the subject matter of claim 1 refers to special designs of coating modules. But this can not be demonstrated using K1.

According to K2, the delivery cylinder 42 serves two functions (see K2, column 6, lines 64 to 68). Hereby the delivery cylinder 42 is functionally linked with an impression cylinder 36, which in turn is functionally linked with the last printing unit for multi-color printing. In contrast, claim 1 of the contested patent assumes that each of the coating units contains one impression cylinder, one form cylinder, and one applicator roller (lines 4 to 7). In this respect, a combination of the document K1 and K2 does not lead to claim 1 of the contested patent.

Based on K1, the opponent claims that the presented task is to feed and remove a liquid to/from a doctor blade chamber system.

No explanations are provided on how this task is posed by K1, and on how or why the solution is suggested to a person skilled in the art by K2.

The patent proprietor maintains his motions.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

European Patent Office
DG2 – Opposition

Application No.: 94 103 832.5 (1)

Patent No.: EP-B-0620115

Preparation for oral proceedings – Instructions to support services

Oral proceedings will be conducted in the matter of the aforesaid patent

1. Encoding of (2) ☐ D10, D12, D13
☒ D20, D22, D23

encoded (1) (2) (3)
Mar. 11, 99 /initial/
Date Initial

2. The subject matters to be discussed are listed in the enclosure (form 2906)

3. Mailing of summons using form 2008/2310.

- 3.1 ☐ to the parties concerned for the **stipulated** date :
Day Time

- 3.2 ☒ After reaching an agreement on a date with the parties concerned for one of the following dates:

Day	Aug. 3, 1999	Time	10:00 am	Room	2452	ROSY reserved
or Day	Dec. 14, 1999	Time	10:00 am	Room	0121	reserved

ROSY Booked room 2452 Coded ORAL 1, 2, 3
--

Mar. 17, 99 NH /initial/
Date Initial

Apr. 22, 99 MM /initial/
Date Initial

- 3.3 In the event that no agreement can be reached for one of these dates, or no room be available, the Opposition Division is to be informed using form 2088.

- 3.4 Written statements from the parties concerned for the preparation of the oral proceedings can be submitted up to
1 Month(s)
prior to the proceedings.
(carry over to form 2008.1/ 2310.1)

European Patent Office
DG2 – Opposition

3.5 Encoding of ORAL (4) (4)

Encoded (1) (4)
Apr. 22, 99 MM /initial/
Date Initial

3.6 Dispatching of form 2008.7 / 2310.7 to inform the Opposition Division of the stipulated date:

Apr. 22, 99 MM /initial/
Date Initial

4. [] Allocation of the following special equipment for the court room.:

5. If required, requesting simultaneous interpreting services from the language service:

Date Initial
Date Initial

6. Re-submitting the file to the examiner in charge using form 2041 (15 days prior to the oral proceedings):

Date Initial

7. Monitoring of serving of summons
(Receipt certificate – white / return receipt – red)

8. Mailing of form 2041 to the officials concerned 15 days prior to the oral proceedings and dispatching of the file to the first examiner, if not already done.

Mar. 10, 99 (3)
Date

/signature/
THORMAEHLEN
I A C
Chairman

/signature/
AXTERS M E
2. Examiner

/signature/
GREINER E F
1. Examiner

Member versed in
the law

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 2, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 16"
MAN and KBA Response to Preliminary Opinion

Ch. König

(Christian König)

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office
Erhardstrasse 27

D-80298 München

Your reference, your message of
Oct. 2nd 98

Our references, our message of
MR00644/ FRic/HWo

Extension
2872

Date
Dec. 14, 1998

RE: European Patent application no. 94103832.5 – 2304 0620115

“Device for inline-coating of materials to be printed in offset printing machines”

In reply to the communication pursuant to article 101(2) and rule 58(1) to (4) EPC of Oct 2, 1998, received here on Oct 6, 1998.

With regard to 1

Document K1 discloses a Fünffarben-Roland 700 with two coating units (referred to as coating modules). Herein, two coating units are located downstream, with respect to the sheet running direction, of five printing units for multi-color printing. Each of the coating units comprises a support cylinder, a form cylinder, an applicator roller, and a metering roller, wherein the applicator roller and the metering roller form a roll nip, into which lacquer can be fed from above. This type of metering system (applicator roller and metering roller with a roll nip) is also known as a twin-roller unit.

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Eng.

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MAN Roland
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D-63075 Offenbach/Main
P.O. box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2, European Patent Office, Munich, December 14, 1998

With regard to 2

Case A:

The filed subject matter is nonetheless based on inventive steps. From K1 one knows of two coating units, each containing a form cylinder and a twin-roller unit as metering system. Combining one of these coating units with the two solutions according to K2 does not result in the filed subject matter. This is so because the delivery cylinder 42 in the first embodiment carries a Superblue blanket, and thus is used exclusively for sheet delivery. Consequently, a form cylinder is not present, and likewise, no coating application onto the sheet does take place.

In the second embodiment, the delivery cylinder, as a form cylinder, carries a rubber blanket for coating. A rubber blanket constitutes a planographic printing form, but this operating principle is not the subject matter of the contested patent.

In addition, a combination of K1 and K2 does not document the layout within the offset printing machine according to the contested patent.

As alternative we request oral proceedings. The applicant is of the opinion that at this point a decision can be rendered.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

/Stamp:/

Forwarded:

Dec 29, 98 /initial/
Date Initial

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

REGISTERED MAIL

/stamp: Mailed on Feb. 11 1999/

European Patent Office
Erhardtstr. 27

80298 Munich

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: Oct. 2, 1999
Our reference: 1P3.0620115
Tel. (0931) 909- 43 26
Fax (0931) 909- 47 89
Your letter of Dec. 29, 1998
Your reference 94103832.5

Our reference: 1P3.0620115/ W-KL/ 1999.174/S1/sa

European Patent no. EP 06 20 115 B1
European Application No. 94 103 832.5-2304
Patent proprietor: MAN Roland Druckmaschinen AG
Opponents: Koenig & Bauer Aktiengesellschaft
formerly: Koenig & Bauer-Albert AG

IN REPLY TO THE COMMUNICATIONS OF SEPT
17, 1998 AND DEC. 29, 1998

1. Motions

- 1.1 All previously filed motions are being maintained.
- 1.2 We request to admit, in relation to the document K1: "Offsetpraxis 3/1993", the cover page and page 5 with masthead, as well as an enlargement of the illustration of the schematic machine diagram.

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Board of directors:
Reinhart Stewert, chairperson.
Albrecht Bolza-Schünemann, Cert Eng
Claus Bolza-Schünemann, Cert Eng
Dieter Jensen, Cert. Eng.
Andreas Mössner, Cert Betnebswirt
Burkhard Roos,
Walter Schumacher, Cert. Eng

Registered office:
Würzburg
Registrar of companies Würzburg
Commercial Registration B 109
Postal Account:
Nürnberg
Routing number 780 100 85
Account no. 422-860
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

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Page 5, right column, masthead, paragraph 3 reads:
"Published: monthly, in the first half"

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As evidence thereof, we enclose a letter from the German Patent and Trademark Office, Publications Division, of Feb. 9, 1998. It clearly shows that the magazine "Offsetpraxis 3/1993 was at hand at the German Patent and Trademark Office on March 24, 1993.

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It can be seen clearly in the enlargement of the illustration of the schematic machine diagram, that the final coating unit contains an applicator roller and a metering roller to form a metering slot.

3. With regard to inventive steps
As already set forth in the opposition case statement, the only difference between the subject matter of K1 and the subject matter of claim 1 of the contested patent is that K1 does not explicitly show a feed pump for liquid feed and a suction pump for liquid removal.

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

-3-

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

Based on K1, a person skilled in the art is presented with the practical task to supply and removed liquids to and from a doctor blade chamber. This task is independent of the printing method.

Therefore, the solution of this task is suggested to a person skilled in the art by K2.

Incidentally, it is part of the general professional knowledge of an average person skilled in the art to equip rubber blankets with a carriage, e.g. for so-called "spot-coatings", thus using the blankets as relief printing forms.

Best regards,

Koenig & Bauer Aktiengesellschaft

/signature/
per pro Ruckmann
General power of
attorney No. 6678

/signature/
pp. Stiel
General power of
attorney No. 36992

Enclosures:

To K1: Cover page and page 5, as well as enlarged copy of schematic machine diagram
Letter from the German Patent and Trademark Office of Feb. 9, 1999

/Stamp: /

Forwarded: Feb. 24, 1999 /initial/
Date Initial

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of
MR00644/ RI/RW

Extension
2872

Date
Mar. 2, 1999

RE: European Patent application No. 94103832.5 – 2304, EP 0 620 115 B1,
“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the statement of the opponents Koenig & Bauer AG of Feb. 10, 1999

Among other things, the opponent introduces an enlarged copy of the illustration of the schematic machine diagram. The patent proprietor at no point denied that herein the final coating unit possesses an applicator roller and a metering roller to form a roll nip. This fact has already been set forth in the written statements of Aug. 21, 98 and Dec. 14, 98.

The arguments relating to inventive steps do not introduce any new facts. The patent proprietor already explained the differences between the contested patent and the document K1 in his written statement of May 5, 98. In this regard, the opponent has not picked up the arguments of the patent proprietor. Rather, he still insists that the subject matter of K1 differs from the claim 1 of the contested patent only by a feed pump for liquid feed and a suction pump for liquid removal.

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.
Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

The patent proprietor does not agree with this, since the subject matter of claim 1 refers to special designs of coating modules. But this can not be demonstrated using K1.

According to K2, the delivery cylinder 42 serves two functions (see K2, column 6, lines 64 to 68). Hereby the delivery cylinder 42 is functionally linked with an impression cylinder 36, which in turn is functionally linked with the last printing unit for multi-color printing. In contrast, claim 1 of the contested patent assumes that each of the coating units contains one impression cylinder, one form cylinder, and one applicator roller (lines 4 to 7). In this respect, a combination of the document K1 and K2 does not lead to claim 1 of the contested patent.

Based on K1, the opponent claims that the presented task is to feed and remove a liquid to/from a doctor blade chamber system.

No explanations are provided on how this task is posed by K1, and on how or why the solution is suggested to a person skilled in the art by K2.

The patent proprietor maintains his motions.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

European Patent Office
DG2 – Opposition

Application No.: 94 103 832.5 (1)

Patent No.: EP-B-0620115

Preparation for oral proceedings – Instructions to support services

Oral proceedings will be conducted in the matter of the aforesaid patent

1. Encoding of (2) ☐ D10, D12, D13
☒ D20, D22, D23

encoded (1) (2) (3)
Mar. 11, 99 /initial/
Date Initial

2. The subject matters to be discussed are listed in the enclosure (form 2906)

3. Mailing of summons using form 2008/2310.

- 3.1 ☐ to the parties concerned for the **stipulated** date :
Day Time

- 3.2 ☒ After reaching an agreement on a date with the parties concerned for one of the following dates:

Day	Aug. 3, 1999	Time	10:00 am	Room	2452	ROSY reserved
or Day	Dec. 14, 1999	Time	10:00 am	Room	0121	reserved

ROSY Booked room 2452 Coded ORAL 1, 2, 3
--

Mar. 17, 99 NH /initial/
Date Initial

Apr. 22, 99 MM /initial/
Date Initial

- 3.3 In the event that no agreement can be reached for one of these dates, or no room be available, the Opposition Division is to be informed using form 2088.
- 3.4 Written statements from the parties concerned for the preparation of the oral proceedings can be submitted up to
1 Month(s)
prior to the proceedings.
(carry over to form 2008.1/ 2310.1)

**European Patent Office
DG2 – Opposition**

3.5 Encoding of ORAL (4) (4)

Encoded (1) (4)
Apr. 22, 99 MM /initial/
Date Initial

3.6 Dispatching of form 2008.7 / 2310.7 to inform the Opposition Division of the stipulated date:

Apr. 22, 99 MM /initial/
Date Initial

4. [] Allocation of the following special equipment for the court room.:

Date Initial

5. If required, requesting simultaneous interpreting services from the language service:

Date Initial

6. Re-submitting the file to the examiner in charge using form 2041 (15 days prior to the oral proceedings):

Date Initial

7. Monitoring of serving of summons
(Receipt certificate – white / return receipt – red)

8. Mailing of form 2041 to the officials concerned 15 days prior to the oral proceedings and dispatching of the file to the first examiner, if not already done.

Mar. 10, 99 (3)
Date

/signature/
THORMAEHLEN
I A C
Chairman

/signature/
AXTERS M E
2. Examiner

/signature/
GREINER E F
1. Examiner

Member versed in
the law

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 2, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 16"
MAN and KBA Response to Preliminary Opinion

Ch. König

(Christian König)

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office
Erhardstrasse 27

D-80298 München

Your reference, your message of
Oct. 2nd 98

Our references, our message of
MR00644/ FRic/HWo

Extension Date
2872 Dec. 14, 1998

RE: European Patent application no. 94103832.5 – 2304 0620115
“Device for inline-coating of materials to be printed in offset printing machines”

In reply to the communication pursuant to article 101(2) and rule 58(1) to (4) EPC of Oct 2, 1998, received here on Oct 6, 1998.

With regard to 1

Document K1 discloses a Fünffarben-Roland 700 with two coating units (referred to as coating modules). Herein, two coating units are located downstream, with respect to the sheet running direction, of five printing units for multi-color printing. Each of the coating units comprises a support cylinder, a form cylinder, an applicator roller, and a metering roller, wherein the applicator roller and the metering roller form a roll nip, into which lacquer can be fed from above. This type of metering system (applicator roller and metering roller with a roll nip) is also known as a twin-roller unit.

Chairman of the board:
Rudolf Rupprecht, Ph.D
Eng.

Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

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Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

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MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 34 I
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2, European Patent Office, Munich, December 14, 1998

With regard to 2

Case A:

The filed subject matter is nonetheless based on inventive steps.

From K1 one knows of two coating units, each containing a form cylinder and a twin-roller unit as metering system. Combining one of these coating units with the two solutions according to K2 does not result in the filed subject matter. This is so because the delivery cylinder 42 in the first embodiment carries a Superblue blanket, and thus is used exclusively for sheet delivery. Consequently, a form cylinder is not present, and likewise, no coating application onto the sheet does take place.

In the second embodiment, the delivery cylinder, as a form cylinder, carries a rubber blanket for coating. A rubber blanket constitutes a planographic printing form, but this operating principle is not the subject matter of the contested patent.

In addition, a combination of K1 and K2 does not document the layout within the offset printing machine according to the contested patent.

As alternative we request oral proceedings. The applicant is of the opinion that at this point a decision can be rendered.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

/Stamp:/

Forwarded: Dec 29, 98 /initial/
Date Initial

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

REGISTERED MAIL

/stamp: Mailed on Feb. 11 1999/

European Patent Office
Erhardtstr. 27

80298 Munich

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: Oct. 2, 1999
Our reference: 1P3.0620115
Tel (0931) 909- 43 26
Fax (0931) 909- 47 89
Your letter of Dec. 29, 1998
Your reference 94103832.5

Our reference: 1P3.0620115/ W-KL/ 1999.174/S1/sa

European Patent no. EP 06 20 115 B1
European Application No. 94 103 832.5-2304
Patent proprietor: MAN Roland Druckmaschinen AG
Opponents: Koenig & Bauer Aktiengesellschaft
formerly: Koenig & Bauer-Albert AG

IN REPLY TO THE COMMUNICATIONS OF SEPT
17, 1998 AND DEC. 29, 1998

1. Motions

- 1.1 All previously filed motions are being maintained.
- 1.2 We request to admit, in relation to the document K1: "Offsetpraxis 3/1993", the cover page and page 5 with masthead, as well as an enlargement of the illustration of the schematic machine diagram.

Chairman of the board:
Peter Rempel
Board of directors:
Reinhart Slewert, chairperson
Albrecht Bolza-Schünemann, Cert Eng
Claus Bolza-Schünemann, Cert Eng
Dieter Jensen, Cert Eng
Andreas Mössner, Cert Betriebswirt
Burkhard Roos,
Walter Schumacher, Cert Eng

Registered office:
Würzburg
Registrar of companies Würzburg
Commercial Registration B 109
Postal Account:
Nürnberg
Routing number 780 100 85
Account no. 422-860
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

2. With regard to document K1: "Offsetpraxis 3/1993"
Page 5, right column, masthead, paragraph 3 reads:
"Published: monthly, in the first half"

This clearly shows that the document K1 had been published at the latest in the second half of March 1993.

As evidence thereof, we enclose a letter from the German Patent and Trademark Office, Publications Division, of Feb. 9, 1998. It clearly shows that the magazine "Offsetpraxis 3/1993 was at hand at the German Patent and Trademark Office on March 24, 1993.

Thus, the document K1 was published more than three weeks prior to the priority date of April 16, 1993.

It can be seen clearly in the enlargement of the illustration of the schematic machine diagram, that the final coating unit contains an applicator roller and a metering roller to form a metering slot.

3. With regard to inventive steps
As already set forth in the opposition case statement, the only difference between the subject matter of K1 and the subject matter of claim 1 of the contested patent is that K1 does not explicitly show a feed pump for liquid feed and a suction pump for liquid removal.

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

-3-

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

Based on K1, a person skilled in the art is presented with the practical task to supply and removed liquids to and from a doctor blade chamber. This task is independent of the printing method.

Therefore, the solution of this task is suggested to a person skilled in the art by K2.

Incidentally, it is part of the general professional knowledge of an average person skilled in the art to equip rubber blankets with a carriage, e.g. for so-called "spot-coatings", thus using the blankets as relief printing forms.

Best regards,

Koenig & Bauer Aktiengesellschaft

/signature/
per pro Ruckmann
General power of
attorney No. 6678

/signature/
pp. Stiel
General power of
attorney No. 36992

Enclosures:

To K1: Cover page and page 5, as well as enlarged copy of schematic machine diagram
Letter from the German Patent and Trademark Office of Feb. 9, 1999

/Stamp:/

Forwarded: Feb. 24, 1999 /initial/
Date Initial

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München.

Your reference, your message of

Our references, our message of
MR00644/ RI/RW

Extension
2872

Date
Mar. 2, 1999

RE: European Patent application No. 94103832.5 – 2304, EP 0 620 115 B1,
“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the statement of the opponents Koenig & Bauer AG of Feb. 10, 1999

Among other things, the opponent introduces an enlarged copy of the illustration of the schematic machine diagram. The patent proprietor at no point denied that herein the final coating unit possesses an applicator roller and a metering roller to form a roll nip. This fact has already been set forth in the written statements of Aug. 21, 98 and Dec. 14, 98.

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In this regard, the opponent has not picked up the arguments of the patent proprietor. Rather, he still insists that the subject matter of K1 differs from the claim 1 of the contested patent only by a feed pump for liquid feed and a suction pump for liquid removal.

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Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
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Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
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Fax: (069) 8305-1440

The patent proprietor does not agree with this, since the subject matter of claim 1 refers to special designs of coating modules. But this can not be demonstrated using K1.

According to K2, the delivery cylinder 42 serves two functions (see K2, column 6, lines 64 to 68). Hereby the delivery cylinder 42 is functionally linked with an impression cylinder 36, which in turn is functionally linked with the last printing unit for multi-color printing. In contrast, claim 1 of the contested patent assumes that each of the coating units contains one impression cylinder, one form cylinder, and one applicator roller (lines 4 to 7). In this respect, a combination of the document K1 and K2 does not lead to claim 1 of the contested patent.

Based on K1, the opponent claims that the presented task is to feed and remove a liquid to/from a doctor blade chamber system.

No explanations are provided on how this task is posed by K1, and on how or why the solution is suggested to a person skilled in the art by K2.

The patent proprietor maintains his motions.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

European Patent Office
DG2 – Opposition

Application No.: 94 103 832.5 (1)

Patent No.: EP-B-0620115

Preparation for oral proceedings – Instructions to support services

Oral proceedings will be conducted in the matter of the aforesaid patent

1. Encoding of (2) ☐ D10, D12, D13
☒ D20, D22, D23

encoded (1) (2) (3)
Mar. 11, 99 /initial/
Date Initial

2. The subject matters to be discussed are listed in the enclosure (form 2906)

3. Mailing of summons using form 2008/2310.

- 3.1 ☐ to the parties concerned for the **stipulated** date :
Day Time

- 3.2 ☒ After reaching an agreement on a date with the parties concerned for one of the following dates:

Day	Aug. 3, 1999	Time	10:00 am	Room	2452	ROSY reserved
or Day	Dec. 14, 1999	Time	10:00 am	Room	0121	reserved

ROSY Booked room 2452 Coded ORAL 1, 2, 3
--

Mar. 17, 99 NH /initial/
Date Initial

Apr. 22, 99 MM /initial/
Date Initial

- 3.3 In the event that no agreement can be reached for one of these dates, or no room be available, the Opposition Division is to be informed using form 2088.
- 3.4 Written statements from the parties concerned for the preparation of the oral proceedings can be submitted up to
1 Month(s)
prior to the proceedings.
(carry over to form 2008.1/ 2310.1)

European Patent Office
DG2 – Opposition

3.5 Encoding of ORAL (4) (4)

Encoded (1) (4)

Apr. 22, 99 MM /initial/

Date Initial

3.6 Dispatching of form 2008.7 / 2310.7 to inform the Opposition Division of the stipulated date:

Apr. 22, 99 MM /initial/

Date Initial

4. [] Allocation of the following special equipment for the court room.:

Date Initial

5. If required, requesting simultaneous interpreting services from the language service:

Date Initial

6. Re-submitting the file to the examiner in charge using form 2041 (15 days prior to the oral proceedings):

Date Initial

7. Monitoring of serving of summons
(Receipt certificate – white / return receipt – red)

8. Mailing of form 2041 to the officials concerned 15 days prior to the oral proceedings and dispatching of the file to the first examiner, if not already done.

Mar. 10, 99 (3)

Date

/signature/
THORMAEHLEN
I A C
Chairman

/signature/
AXTERS M E
2. Examiner

/signature/
GREINER E F
1. Examiner

Member versed in
the law

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 2, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 16"
MAN and KBA Response to Preliminary Opinion

Ch. König

(Christian König)

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office
Erhardstrasse 27

D-80298 München

Your reference, your message of
Oct. 2nd 98

Our references, our message of
MR00644/ FRic/HWo

Extension
2872

Date
Dec. 14, 1998

RE: European Patent application no. 94103832.5 – 2304 0620115
“Device for inline-coating of materials to be printed in offset printing machines”

In reply to the communication pursuant to article 101(2) and rule 58(1) to (4) EPC of Oct 2, 1998, received here on Oct 6, 1998.

With regard to 1

Document K1 discloses a Fünffarben-Roland 700 with two coating units (referred to as coating modules). Herein, two coating units are located downstream, with respect to the sheet running direction, of five printing units for multi-color printing. Each of the coating units comprises a support cylinder, a form cylinder, an applicator roller, and a metering roller, wherein the applicator roller and the metering roller form a roll nip, into which lacquer can be fed from above. This type of metering system (applicator roller and metering roller with a roll nip) is also known as a twin-roller unit.

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Page 2, European Patent Office, Munich, December 14, 1998

With regard to 2

Case A:

The filed subject matter is nonetheless based on inventive steps. From K1 one knows of two coating units, each containing a form cylinder and a twin-roller unit as metering system. Combining one of these coating units with the two solutions according to K2 does not result in the filed subject matter. This is so because the delivery cylinder 42 in the first embodiment carries a Superblue blanket, and thus is used exclusively for sheet delivery. Consequently, a form cylinder is not present, and likewise, no coating application onto the sheet does take place.

In the second embodiment, the delivery cylinder, as a form cylinder, carries a rubber blanket for coating. A rubber blanket constitutes a planographic printing form, but this operating principle is not the subject matter of the contested patent.

In addition, a combination of K1 and K2 does not document the layout within the offset printing machine according to the contested patent.

As alternative we request oral proceedings. The applicant is of the opinion that at this point a decision can be rendered.

MAN Roland Druckmaschinen AG

Per pro	pp.
/signature/	/signature/
Stahl	Richter
General power of attorney 20809	General power of attorney 36563

/Stamp:/
Forwarded: Dec 29, 98 /initial/
Date Initial

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

REGISTERED MAIL

/stamp: Mailed on Feb. 11 1999/

European Patent Office
Erhardtstr. 27

80298 Munich

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: Oct. 2, 1999
Our reference: 1P3.0620115
Tel. (0931) 909- 43 26
Fax (0931) 909- 47 89
Your letter of Dec. 29, 1998
Your reference 94103832.5

Our reference: 1P3.0620115/ W-KL/ 1999.174/S1/sa

European Patent no. EP 06 20 115 B1
European Application No. 94 103 832.5-2304
Patent proprietor: MAN Roland Druckmaschinen AG
Opponents: Koenig & Bauer Aktiengesellschaft
formerly: Koenig & Bauer-Albert AG

IN REPLY TO THE COMMUNICATIONS OF SEPT
17, 1998 AND DEC. 29, 1998

1. Motions

- 1.1 All previously filed motions are being maintained.
- 1.2 We request to admit, in relation to the document K1: "Offsetpraxis 3/1993", the cover page and page 5 with masthead, as well as an enlargement of the illustration of the schematic machine diagram.

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Board of directors:
Reinhard Siewert, chairperson
Albrecht Bolza-Schünemann, Cert Eng
Claus Bolza-Schünemann, Cert Eng.
Dieter Jensen, Cert. Eng
Andreas Mössner, Cert Betriebswirt
Burkhard Roos,
Walter Schumacher, Cert Eng.

Registered office:
Würzburg
Registrar of companies Würzburg
Commercial Registration B 109
Postal Account:
Nürnberg
Routing number 780 100 85
Account no. 422-860
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

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Page 5, right column, masthead; paragraph 3 reads:
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It can be seen clearly in the enlargement of the illustration of the schematic machine diagram, that the final coating unit contains an applicator roller and a metering roller to form a metering slot.

3. With regard to inventive steps
As already set forth in the opposition case statement, the only difference between the subject matter of K1 and the subject matter of claim 1 of the contested patent is that K1 does not explicitly show a feed pump for liquid feed and a suction pump for liquid removal.

00446-03444
T44700-0045750

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

-3-

Our references: 1P3.0620115/ W-KL/ 1999.174/S1/sa

Based on K1, a person skilled in the art is presented with the practical task to supply and removed liquids to and from a doctor blade chamber. This task is independent of the printing method.

Therefore, the solution of this task is suggested to a person skilled in the art by K2.

Incidentally, it is part of the general professional knowledge of an average person skilled in the art to equip rubber blankets with a carriage, e.g. for so-called "spot-coatings", thus using the blankets as relief printing forms.

Best regards,

Koenig & Bauer Aktiengesellschaft

/signature/
per pro Ruckmann
General power of
attorney No. 6678

/signature/
pp. Stiel
General power of
attorney No. 36992

Enclosures:

To K1: Cover page and page 5, as well as enlarged copy of schematic machine diagram
Letter from the German Patent and Trademark Office of Feb. 9, 1999

/Stamp:/
Forwarded: Feb. 24, 1999 /initial/
Date Initial

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of
MR00644/ RI/RW

Extension
2872

Date
Mar. 2, 1999

**RE: European Patent application No. 94103832.5 – 2304, EP 0 620 115 B1,
“Device for inline-coating of materials to be printed in offset printing machines”**

Regarding the statement of the opponents Koenig & Bauer AG of Feb. 10, 1999

Among other things, the opponent introduces an enlarged copy of the illustration of the schematic machine diagram. The patent proprietor at no point denied that herein the final coating unit possesses an applicator roller and a metering roller to form a roll nip. This fact has already been set forth in the written statements of Aug. 21, 98 and Dec. 14, 98.

The arguments relating to inventive steps do not introduce any new facts. The patent proprietor already explained the differences between the contested patent and the document K1 in his written statement of May 5, 98. In this regard, the opponent has not picked up the arguments of the patent proprietor. Rather, he still insists that the subject matter of K1 differs from the claim 1 of the contested patent only by a feed pump for liquid feed and a suction pump for liquid removal.

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.
Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P.O. box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

The patent proprietor does not agree with this, since the subject matter of claim 1 refers to special designs of coating modules. But this can not be demonstrated using K1.

According to K2, the delivery cylinder 42 serves two functions (see K2, column 6, lines 64 to 68). Hereby the delivery cylinder 42 is functionally linked with an impression cylinder 36, which in turn is functionally linked with the last printing unit for multi-color printing. In contrast, claim 1 of the contested patent assumes that each of the coating units contains one impression cylinder, one form cylinder, and one applicator roller (lines 4 to 7). In this respect, a combination of the document K1 and K2 does not lead to claim 1 of the contested patent.

Based on K1, the opponent claims that the presented task is to feed and remove a liquid to/from a doctor blade chamber system.

No explanations are provided on how this task is posed by K1, and on how or why the solution is suggested to a person skilled in the art by K2.

The patent proprietor maintains his motions.

MAN Roland Druckmaschinen AG

Per pro

/signature/

Stahl

General power of
attorney 20809

pp.

/signature/

Richter

General power of
attorney 36563

European Patent Office
DG2 – Opposition

Application No.: 94 103 832.5 (1)

Patent No.: EP-B-0620115

Preparation for oral proceedings – Instructions to support services

Oral proceedings will be conducted in the matter of the aforesaid patent

1. Encoding of (2) ☐ D10, D12, D13
☒ D20, D22, D23

encoded (1) (2) (3)
Mar. 11, 99 /initial/
Date Initial

2. The subject matters to be discussed are listed in the enclosure (form 2906)

3. Mailing of summons using form 2008/2310.

- 3.1 ☐ to the parties concerned for the **stipulated** date :
Day Time

- 3.2 ☒ After reaching an agreement on a date with the parties concerned for one of the following dates:

Day	Aug. 3, 1999	Time	10:00 am	Room	2452	ROSY reserved
or Day	Dec. 14, 1999	Time	10:00 am	Room	0121	ROSY reserved

ROSY
Booked room 2452
Coded ORAL 1, 2, 3

Mar. 17, 99 NH /initial/
Date Initial

Apr. 22, 99 MM /initial/
Date Initial

- 3.3 In the event that no agreement can be reached for one of these dates, or no room be available, the Opposition Division is to be informed using form 2088.
- 3.4 Written statements from the parties concerned for the preparation of the oral proceedings can be submitted up to
1 Month(s)
prior to the proceedings.
(carry over to form 2008.1/ 2310.1)

[illegible]

Encoded (1) (4)

Date	Initial
------	---------

Apr. 22, 99 MM/initial/

Date	Initial
------	---------

Date	Initial
------	---------

Date	Initial
------	---------

Date	Initial
------	---------

Mar. 10, 99 (3)

Date _____

**Member versed in
the law**

MAN Roland Druckmaschinen AG



Produktbereich
Bogenmaschinen
Offenbach/Main

Europäisches Patentamt
Erhardtstraße 27

80298 München

Ihre Zeichen, Ihre Nachricht vom

Unsere Zeichen, unsere Nachricht vom

Durchwahl

Datum

02.10.98

MR00644/FRic/HWo

2872

14. Dez. 1998

Betr.: Europäische Patentanmeldung Nr. 94103832.5 (2304) 0620115
"Einrichtung zum Inline-Beschichten von Bedruckstoffen
in Offsetdruckmaschinen"

Auf den Bescheid gemäß Artikel 101(2) und Regel 58(1) bis (4) EPÜ vom 02.10.1998,
hier eingegangen am 06.10.1998

Zu 1

In Dokument K1 ist eine Fünffarben-Roland 700 mit zwei Lackwerken (Lackmodule genannt) offenbart. Dabei sind fünf Druckwerken für den Mehrfarbendruck in Bogenförder-richtung zwei Lackwerke nachgeordnet. Jedes der Lackwerke weist einen Gegendruckzylinder, einen Formzylinder, eine Auftragwalze und eine Dosierwalze auf, wobei Auftragwalze und Dosierwalze einen Walzenspalt bilden, in den jeweils von oben Lack zuführbar ist. Diese Art des Dosiersystems (Auftragwalze und Dosierwalze mit einem Walzenspalt) ist auch als Zweiwalzenwerk bekannt.

Vorsitzender des Aufsichtsrates:
Dr.-Ing. E.h. Rudolf Rupprecht
Vorstand:
Gerd Finkbeiner, Martin Lange,
Dr.-Ing. Rainer Oplerkuch,
Anton Weinmann
Amtsgericht, Offenbach HRB-Nr. 5137
St. der Gesellschaft, Offenbach/Main

Commerzbank AG, Offenbach/M., BLZ 505 400 28, Kto.-Nr. 4 289 666
Dresdner Bank AG, Offenbach/M., BLZ 505 800 05, Kto.-Nr. 5 082 821
Deutsche Bank AG, Offenbach/M., BLZ 505 700 18, Kto.-Nr. 0 750 000
Landeszentralbank, Offenbach/M., BLZ 505 000 00, Kto.-Nr. 50 508 110
USI-Ident-Nr. DE 811136557

MAN Roland
Druckmaschinen Aktiengesellschaft
Mühlheimer Straße 341
D-63075 Offenbach/Main
Postfach 10 12 64
D-63012 Offenbach/Main
Telefon: (0 69) 83 05-0
Telex: 4150650 MAN R



Zu 2

Fall A:

Der Anmeldegegenstand basiert nach wie vor auf einer erfinderischen Tätigkeit.

Aus K1 sind zwei Lackwerke mit jeweils einem Formzylinder und einem Zweiwalzenwerk als Dosiersystem bekannt. Kombiniert man eines der Lackwerke mit den beiden Lösungen gemäß K2, so führt dies nicht zum Anmeldegegenstand. Dies deshalb, weil der Auslegerzylinder 42 in erster Ausbildung ein Superblue-Tuch trägt und damit ausschließlich der Bogenführung dient. Es liegt somit kein Formzylinder vor, und ein Lackauftrag auf den Bogen erfolgt ebenso nicht.

In zweiter Ausbildung trägt der Auslegerzylinder 42 als Formzylinder ein Gummituch für den Lackauftrag. Ein Gummituch stellt eine Flachdruckform dar, wobei dieses Arbeitssprinzip nicht Gegenstand des Streitpatentes ist.

Desweiteren ist durch die Kombination von K1 und K2 auch nicht die Anordnung innerhalb der Offsetdruckmaschine gemäß Streitpatent belegt.

Es wird hilfsweise eine mündliche Verhandlung beantragt. Die Anmelderin ist der Auffassung, daß nunmehr eine Entscheidung getroffen werden kann.

MAN Roland Druckmaschinen AG

ppa.

i.V.

Stahl, AV 20809

Richter, AV 36563

Übersandt 29.12.98
Datum

Zeichen

Einschreiben

Europäisches Patentamt
Erhardtstr. 27

80298 München

Zur Post am
mailed on

11. Feb. 1999

Koenig & Bauer AG
Postfach 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-97080 Würzburg
Telefon (09 31) 9 09-0
Fax (09 31) 9 09-41 01
E-Mail: kba-wuerzburg@kba-print.de
Internet: http://www.kba-print.de

Datum 1999-02-10
Unsere Zeichen 1P3.0620115
Tel. (09 31) 9 09- 43 26
Fax (09 31) 9 09- 47 89
Ihr Schreiben vom 29.12.1998
Ihre Zeichen 94103832.5

Unsere Zeichen: 1P3.0620115/W-KL/1999.174/S1/sa

Europäisches Patent Nr. EP 06 20 115 B1
Europäische Anmeldung Nr. 94 103 832.5-2304 *emo*
Patentinhaber: MAN Roland Druckmaschinen AG
Einsprechende: Koenig & Bauer Aktiengesellschaft
vormals Koenig & Bauer-Albert AG

AUF DIE BESCHEIDE VOM 17.09.1998, 02.10.1998 UND 29.12.1998

1. Anträge

1.1. Alle bisher gestellten Anträge werden aufrecht
erhalten.

1.2. Es wird beantragt, zu dem Dokument K1: "Offsetpraxis
3/1993" das Deckblatt und Seite 5 mit Impressum sowie
eine Vergrößerung der Abbildung des Maschinenschemas
aufzunehmen.

Aufsichtsratsvorsitzender
Peter Reimpell
Vorstand:
Reinhart Siewert, Vorsitzender
Dipl.-Ing. Albrecht Bolza-Schunemann
Dipl.-Ing. Claus Bolza-Schunemann
Dipl.-Ing. Dieter Jensen
Dr.-Ing. Frank Junker
Dipl.-Betriebsw. Andreas Moßner (Stellv.)
Burkard Roos
Dipl.-Ing. Walter Schumacher

Sitz der Gesellschaft Würzburg
Amtsgericht Würzburg
Handelsregister B 109

.../

Postbank Nürnberg
BLZ 760 100 85
Konto-Nr. 422-850
Landeszentralbank Würzburg
BLZ 790 000 00
Konto-Nr. 79 008 600

Unsere Zeichen: 1P3.0620115/W-KL/1999.174/S1/sa

2. Zum Dokument K1: "Offsetpraxis 3/1993"

Seite 5, rechte Spalte, Impressum ist Absatz 3 zu entnehmen:
"Erscheinungsweise: Monatlich, jeweils in der ersten Hälfte"

Daraus ist klar zu entnehmen, daß das Dokument K1 zumindest
in der zweiten Märzhälfte 1993 veröffentlicht war.

Zum Beweis hierfür fügen wir als Anlage ein Schreiben des
Deutschen Patent- und Markenamtes, Abt. Schriftenstelle, vom
09.02.1998 bei. Hieraus ist klar ersichtlich, daß die
Zeitschrift "Offsetpraxis 3/1993" beim Deutschen Patent- und
Markenamt am 24.03.1993 vorlag.

Das Dokument K1 ist also mehr als drei Wochen vor dem
Prioritätsdatum 16.04.1993 veröffentlicht worden.

Aus der Vergrößerung der Abbildung des Maschinenschemas ist
klar zu entnehmen, daß das letzte Lackierwerk eine
Auftragwalze und eine Dosierwalze zur Bildung eines
Dosierspaltes aufweist.

3. Zur erfinderischen Tätigkeit

Wie bereits im Einspruchsschriftsatz dargelegt,
unterscheidet sich der Gegenstand der K1 vom Gegenstand des
Anspruches 1 des angegriffenen Patentes lediglich dadurch,
daß in der K1 nicht explizit eine Förderpumpe zur
Flüssigkeitszufuhr und eine Saugpumpe zur
Flüssigkeitsrückfuhr gezeigt ist.

.../

Unsere Zeichen: 1P3.0620115/W-KL/1999.174/S1/sa

Von der K1 ausgehend stellt sich also einem Fachmann die objektive Aufgabe, ein Kammerrakelsystem mit Flüssigkeit zu ver- und entsorgen. Diese Aufgabe ist unabhängig vom Druckverfahren.

Deshalb wird einem Fachmann die Lösung dieser Aufgabe durch die K2 nahegelegt.

Im übrigen gehört es zum allgemeinen Fachwissen eines Durchschnittsfachmannes, Gummitücher beispielsweise für sog. "Spotlackierungen" mit einer Zurichtung zu versehen und somit als Hochdruckform zu verwenden.

Mit freundlichen Grüßen

Koenig & Bauer Aktiengesellschaft


Herr Ruckmann


i.V. Stiel

Allg. Vollm. Nr. 6678

Allg. Vollm. Nr. 36992

Anlagen:

zu K1: Deckblatt und Seite 5 sowie
Vergrößerung Maschinenschema
Schreiben des DPMA vom 09.02.1999

Übersandt

24.02.99

Datum


Zeichen

MAN Roland Druckmaschinen AG



Produktbereich
Bogenmaschinen
Offenbach/Main

Europäisches Patentamt

D-80298 München

Ihre Zeichen, Ihre Nachricht vom

Unsere Zeichen, unsere Nachricht vom

Durchwahl

Datum

MR00644 / RI/RW

2872

02.03.1999

Betr.: Europäische Patentanmeldung Nr. 94103832.5-2304, EP 0 620 115 B1,
"Einrichtung zum Inline-Beschichten von Bedruckstoffen in
Offsetdruckmaschinen" *ppp*

Auf den Schriftsatz der Einsprechenden Koenig & Bauer AG vom 10.02.1999

Die Einsprechende bringt u. a. die Vergrößerung der Abbildung des Maschinenschemas ein. Daß das letzte Lackierwerk dabei eine Auftragwalze und eine Dosierwalze zur Bildung eines Walzenspaltes aufweist, hat die Patentinhaberin an keiner Stelle bestritten. Vielmehr wurde dieser Sachverhalt in den Schriftsätzen vom 21.08.98 und 14.12.98 bereits dargelegt.

Die Argumentation zur erfinderischen Tätigkeit bringt keinen neuen Sachverhalt ein. Bereits in ihrem Schriftsatz vom 05.05.98 hat die Patentinhaberin die Unterschiede des Streitpatentes zum Dokument K1 aufgezeigt.

Die Einsprechende hat hierzu die Argumentation der Patentinhaberin nicht aufgegriffen. Vielmehr beharrt sie weiterhin darauf, daß der Gegenstand von K1 sich vom Anspruch

1 des Streitpatentes nur noch durch eine Förderpumpe zur Flüssigkeitszufuhr und eine

Vorsitzender des Aufsichtsrates:
Dr.-Ing. E.h. Rudolf Rupprecht
Vorstand:
Gerd Finkbeiner, Martin Lange,
Dr.-Ing. Rainer Opferkuch,
Anton Weinmann
Amtsgericht: Offenbach HRB-Nr 5137

Commerzbank AG, Offenbach/M., BLZ 505 400 28, Kto.-Nr. 4 289 666
Dresdner Bank AG, Offenbach/M., BLZ 505 800 05, Kto.-Nr. 5 082 821
Deutsche Bank AG, Offenbach/M., BLZ 505 700 18, Kto.-Nr. 0 750 000
Landeszentralbank, Offenbach/M., BLZ 505 000 00, Kto.-Nr. 50 508 110
USt-Ident-Nr DE 811136557

MAN Roland
Druckmaschinen Aktiengesellschaft
Mühlheimer Straße 341
D-63075 Offenbach/Main
Postfach 10 12 64
D-63012 Offenbach/Main
Telefon (0 69) 83 05 - 0

Saugpumpe zur Flüssigkeitsrückfuhr unterscheide.

Dem widerspricht die Patentinhaberin, da der Gegenstand von Anspruch 1 sich auf spezielle Bauarten von Lackmodulen bezieht. Dieses ist aber durch K1 nicht beweisbar.

Gemäß K2 erfüllt der Auslegerzylinder 42 eine Doppelfunktion (siehe K2, Spalte 6, Zeile 64 bis 68). Dabei ist der Auslegerzylinder 42 mit einem Druckzylinder 36 in Funktionsverbindung, der gleichzeitig noch mit dem letzten Druckwerk für den Mehrfarbendruck in Funktionsverbindung ist. Der Anspruch 1 des Streitpatentes geht dagegen davon aus, daß jede Lackiereinheit jeweils einen Druckzylinder, einen Formzylinder und eine Auftragwalze aufweist (Zeile 4 bis 7). Insofern führt die Kombination der Dokumente K1 und K2 nicht zum Anspruch 1 des Streitpatentes.

Ausgehend von K1 behauptet die Einsprechende, es stelle sich die Aufgabe ein Kammerrakelsystem mit einer Flüssigkeit zu ver- und entsorgen.

Warum sich diese Aufgabe gemäß K1 stellt und warum einem Fachmann die Lösung dieser Aufgabe durch die K2 nahegelegt ist, wird nicht aufgezeigt.

Die Patentinhaberin hält ihre Anträge weiter aufrecht.

MAN Roland Druckmaschinen AG
ppa. i.V.



Stahl, AV 20809



Richter, AV 36563

Übersandt 1. 03. 99
Datum



Anmeldenummer: 94 103 832.5

①

Patentnummer: EP-B-0620115

Vorbereitung einer mündlichen Verhandlung - Anweisungen an den Unterstützungsdienst

In obigem Patent wird eine mündliche Verhandlung durchgeführt.

1. Codierung von ② ☐ D10, D12, D13
☒ D20, D22, D23

Codiert ①②③

11.11.99
Datum Zeichen

2. Die zu erörternden Gegenstände sind in der Anlage genannt (Formblatt 2906).

3. Absendung der Ladung mit Formblatt 2008/2310.

- 3.1. ☐ an die Beteiligten zum vereinbarten Termin:

Tag Zeit

- 3.2. ☒ nach Vereinbarung eines Termins mit den Beteiligten für einen der folgenden Tage:

Tag	03.08.1999	Zeit	10.00	Saal	2452	ROSY	reserviert
oder Tag	14.12.1999	Zeit	10.00	13 Saal	0121	ROSY	reserviert

17.03.99 NH

Datum

Zeichen

ROSY	
Saal 2452	gebucht
ORAL 1,2,3 codiert	

22.04.99
Datum

Zeichen

- 3.3. Falls keine Vereinbarung für einen dieser Tage zustande kommt oder kein Saal zur Verfügung steht, ist die Einspruchsabteilung mit Formblatt 2088 zu benachrichtigen.

- 3.4. Schriftsätze der Beteiligten zur Vorbereitung der mündlichen Verhandlung können bis zu

1 Monat(e).

vor dem Tag der Verhandlung eingereicht werden
(Übertrag auf Formblatt 2008.1 / 2310.1).

3.5. Codierung von ORAL(4) ④

codiert ①④
2 2. 04. 99 MM

Datum

Zeichen

3.6. Absendung von Formblatt 2008.7 / 2310.7 an Einspruchsabteilung zur Benachrichtigung über den vereinbarten Tag:

2 2. 04. 99 MM

Datum

Zeichen

4. ☐ Bereitstellung folgender Sonderausstattung im Sitzungssaal:

Datum

Zeichen

5. Beantragung der Simultan-Übersetzung beim Sprachendienst, soweit erforderlich:

Datum

Zeichen

6. Wiedervorlage der Akte an den beauftragten Prüfer mit Formblatt 2041 (15 Tage vor der mündlichen Verhandlung):

Datum

Zeichen

7. Überwachung der Zustellung der Ladung (Empfangsbescheinigung - weiß / Rückschein - rot).

8. Absendung von Formblatt 2041 an die Amtsbeteiligten 15 Tage vor der mündlichen Verhandlung und der Akte an den ersten Prüfer, falls noch nicht geschehen.

10. 03. 99

③

Datum

THORMAEHLEN I A C
Vorsitzender

AXTERS M E
2. Prüfer

GREINER E F
1. Prüfer

Rechtskundiges Mitglied

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 3, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 17":

**Summons to Oral Proceedings and Preliminary Position of Opposition
Division**

Ch. König

(Christian König)

1044-99-0000

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

To Fax no. (069) 8305-1140

Date: Mar. 17, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

PREPARATION OF ORAL PROCEEDINGS

The EPO intends to summon the concerned parties to oral proceedings (article 116 EPC)

on Aug. 3, 99
at 9:00 am.

If the EPO does not receive your reply within 10 days of the send date of this facsimile, we will assume that you accept the proposed date, and the corresponding summons will be sent. Should you not be able to attend the oral proceedings on the proposed date due to urgent reasons, then the EPO is willing to consider the following alternative date, provided that the EPO will be informed accordingly within the aforesaid period of 10 days.

Alternative date: Dec. 14, 99

The alternative date must be coordinated by you in advance with all parties concerned. The summons would then be issued for the alternative date.

We would like to point out that, after the summons has been issued, any requests to change the scheduled date will only be granted in exceptional cases.

Please direct your reply within 10 days (if applicable also in regard to language inquiries— Rule 2) by telex or fax to the official in charge. A written confirmation is not required. The deadline for submitting written statements and documents (Rule 71a EPC) will be set in the following summons.

Official in charge
Tel.: (+49-89) 2399-8734

/signature/ Eva Neresheimer

Enclosures [] Annex as intended for the summons
[] Rule 2 EPC (EPO form 2043)

P.S. You will not receive a written confirmation of this faxed communication.

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Apr. 27, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

SUMMONS TO ORAL PROCEEDINGS PURSUANT TO RULE 71(1) EPC

Hereby you are summoned to oral proceedings in the matter of the above-mentioned European patent.

The subject matters to be discussed are listed in the communication (EPO form 2906) that is enclosed with this summons.

The public oral proceedings take place in front of the Opposition Division

on Aug. 3, 99 at 10:00 am in room no. 2542 of the EPO Bayerstr. 34
PschorrHöfe, D-80335 München.

The date for the proceedings has been arranged with you earlier. Changes are no longer possible, except in substantiated special cases. Should you not attend in accordance with this summons, then the proceedings can continue without you (Rule 71(2) EPC).

Regarding the language of the proceedings we refer to rule 2 EPC.

Concerning the presentation of powers of attorney for employees and attorneys as representatives before the EPO, we refer to the notice in the official gazette 9/91, page 489.

The date until when written statements and/or documents can be submitted (rule 71a EPC) is
July 3, 99

We ask you to register with the receptionist in the EPO entrance hall in due time before the commencement of the proceedings. Rooms 3473 and 3474 are available as day rooms. Pay-free parking is available in the underground parking garage; but only if accessed through the entrance Zollstrasse.

/signature/

J. Mellady y Mellado
For the Opposition Division
Tel.: (089) 2399 8734

Enclosures: Acknowledgment of receipt (form 2936)
Rule 2 EPC (EPO form 2043)
Communication (EPO form 2906)

REGISTERED MAIL WITH RETURN RECEIPT

EPO form 2310.1PH 01.98	7051420	Apr. 22, 99	M20576
94103832.5	ORAL	4	Apr. 22, 99 MM

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Apr. 27, 99

Ref. 1P3. 0620115 OPPO 01	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

SUMMONS TO ORAL PROCEEDINGS PURSUANT TO RULE 71(1) EPC

Hereby you are summoned to oral proceedings in the matter of the above-mentioned European patent.

The subject matters to be discussed are listed in the communication (EPO form 2906) that is enclosed with this summons.

The public oral proceedings take place in front of the Opposition Division

on Aug. 3, 99 at 10:00 am in room no. 2542 of the EPO Bayerstr. 34
PschorrHöfe, D-80335 München.

The date for the proceedings has been arranged with you earlier. Changes are no longer possible, except in substantiated special cases. Should you not attend in accordance with this summons, then the proceedings can continue without you (Rule 71(2) EPC).

Regarding the language of the proceedings we refer to rule 2 EPC.

Concerning the presentation of powers of attorney for employees and attorneys as representatives before the EPO, we refer to the notice in the official gazette 9/91, page 489.

The date until when written statements and/or documents can be submitted (rule 71a EPC) is
July 3, 99

We ask you to register with the receptionist in the EPO entrance hall in due time before the commencement of the proceedings. Rooms 3473 and 3474 are available as day rooms. Pay-free parking is available in the underground parking garage; but only if accessed through the entrance Zollstrasse.

/signature/

J. Mellady y Mellado
For the Opposition Division
Tel.: (089) 2399 8734

Enclosures: Acknowledgment of receipt (form 2936)
Rule 2 EPC (EPO form 2043)
Communication (EPO form 2906)

REGISTERED MAIL WITH RETURN RECEIPT

EPO form 2310.1PH 01.98		7051423	Apr. 22, 99 M20576	
94103832.5	ORAL	4		

In an interlocutory statement of opinion, the Opposition Division takes the following position:

1. State of the art:

1.1 At present, the following documents are part of the opposition proceedings:

K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15

K2 = US-A-5 176 077

K3 = copy from the reference book: "Flexodruck von A bis Z", cover page, masthead, page 160

1.2 In the opinion of the Opposition Division, on the basis of the documents submitted in a letter of Feb. 10, 1999, the document K1 and the document K1a comply with the requirements of article 54(2) EPC, and are therefore taken into consideration in the examination of the claims concerning novelty and inventive steps.

2. Novelty / Inventive steps:

2.1 In the opinion of the Opposition Division, claim 1 in the granted version is novel in relation to the published state of the art, in the sense of article 54 EPC.

2.2 Moreover, the subject matter of claim 1 also contains inventive steps in the sense of article 56 EPC.

2.3 After submission of the enlarged copy (document K1a), the Opposition Division is in doubt whether the following characteristic features of the contested claim 1 follow from the teachings of document 1:

- (i) "and the coating unit that is upstream with respect to the sheet running direction" is executed as a flexo printing unit,

as well as

It does not seem possible to derive the combination of these features (i), (ii), and (iii) from the document K2.

The Opposition probably will be rejected pursuant to article 102(2) EPC.

/signature/
E.Greiner

The final 4 pages of Tab 17 are trilingual (The Translator)

09457560

E-MAIL: koenig@ipTranslation.com

(Christian König)

EPO
D-80298 Munchen
Tel 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

To Fax no. (069) 8305-1140

Date: Mar. 17, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

PREPARATION OF ORAL PROCEEDINGS

The EPO intends to summon the concerned parties to oral proceedings (article 116 EPC)

on Aug. 3, 99
at 9:00 am.

If the EPO does not receive your reply within 10 days of the send date of this facsimile, we will assume that you accept the proposed date, and the corresponding summons will be sent. Should you not be able to attend the oral proceedings on the proposed date due to urgent reasons, then the EPO is willing to consider the following alternative date, provided that the EPO will be informed accordingly within the aforesaid period of 10 days.

Alternative date: Dec. 14, 99

The alternative date must be coordinated by you in advance with all parties concerned. The summons would then be issued for the alternative date.

We would like to point out that, after the summons has been issued, any requests to change the scheduled date will only be granted in exceptional cases.

Please direct your reply within 10 days (if applicable also in regard to language inquiries— Rule 2) by telex or fax to the official in charge. A written confirmation is not required. The deadline for submitting written statements and documents (Rule 71a EPC) will be set in the following summons.

Official in charge
Tel.: (+49-89) 2399-8734

/signature/ Eva Neresheimer

Enclosures ☐ Annex as intended for the summons
☐ Rule 2 EPC (EPO form 2043)

P.S. You will not receive a written confirmation of this faxed communication.

EPO
D-80298 München
Tel 069/2399-0
TX 523 658 apmu d
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Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
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Germany

Date: Apr. 27, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/ 0620115
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SUMMONS TO ORAL PROCEEDINGS PURSUANT TO RULE 71(1) EPC

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The subject matters to be discussed are listed in the communication (EPO form 2906) that is enclosed with this summons.

The public oral proceedings take place in front of the Opposition Division

on Aug. 3, 99 at 10:00 am in room no. 2542 of the EPO Bayerstr. 34
PschorrHöfe, D-80335 München.

The date for the proceedings has been arranged with you earlier. Changes are no longer possible, except in substantiated special cases. Should you not attend in accordance with this summons, then the proceedings can continue without you (Rule 71(2) EPC).

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/signature/

J. Mellady y Mellado
For the Opposition Division
Tel.: (089) 2399 8734

Enclosures: Acknowledgment of receipt (form 2936)
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Communication (EPO form 2906)

REGISTERED MAIL WITH RETURN RECEIPT

EPO form 2310.1PH 01.98	7051420	Apr. 22, 99	M20576
94103832.5	ORAL	4	Apr. 22, 99 MM

EPO
D-80298 München
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European Patent Office

Directorate General 2

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Apr. 27, 99

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J. Mellady y Mellado

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94103832.5	ORAL	4	

In an interlocutory statement of opinion, the Opposition Division takes the following position:

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1.1 At present, the following documents are part of the opposition proceedings:

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1.2 In the opinion of the Opposition Division, on the basis of the documents submitted in a letter of Feb. 10, 1999, the document K1 and the document K1a comply with the requirements of article 54(2) EPC, and are therefore taken into consideration in the examination of the claims concerning novelty and inventive steps.

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2.1 In the opinion of the Opposition Division, claim 1 in the granted version is novel in relation to the published state of the art, in the sense of article 54 EPC.

2.2 Moreover, the subject matter of claim 1 also contains inventive steps in the sense of article 56 EPC.

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- (i) "and the coating unit that is upstream with respect to the sheet running direction" is executed as a flexo printing unit,

as well as

1. General information	
1.1	1.2
1.1.1	1.1.2
1.1.3	1.1.4
1.1.5	1.1.6
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1.1.9	1.1.10
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1.1.233	1.1.234
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1.1.237	1.1.238
1.1.239	1.1.240
1.1.241	1.1.242
1.1.243	1.1.244
1.1.245	1.1.246
1.1.247	1.1.248
1.1.249	1.1.250
1.1.251	

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 3, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

**"Tab 17":
Summons to Oral Proceedings and Preliminary Position of Opposition
Division**

Ch. König

(Christian König)

Tab 17 - Summons

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

To Fax no. (069) 8305-1140

Date: Mar. 17, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

PREPARATION OF ORAL PROCEEDINGS

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Alternative date: Dec. 14, 99

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Official in charge
Tel.: (+49-89) 2399-8734

/signature/ Eva Neresheimer

Enclosures ☐ Annex as intended for the summons
☐ Rule 2 EPC (EPO form 2043)

P.S. You will not receive a written confirmation of this faxed communication.

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
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European Patent Office

Directorate General 2

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Apr. 27, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

SUMMONS TO ORAL PROCEEDINGS PURSUANT TO RULE 71(1) EPC

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The subject matters to be discussed are listed in the communication (EPO form 2906) that is enclosed with this summons.

The public oral proceedings take place in front of the Opposition Division

on Aug. 3, 99 at 10:00 am in room no. 2542 of the EPO Bayerstr. 34
PschorrHöfe, D-80335 München.

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Regarding the language of the proceedings we refer to rule 2 EPC.

Concerning the presentation of powers of attorney for employees and attorneys as representatives before the EPO, we refer to the notice in the official gazette 9/91, page 489.

The date until when written statements and/or documents can be submitted (rule 71a EPC) is
July 3, 99

We ask you to register with the receptionist in the EPO entrance hall in due time before the commencement of the proceedings. Rooms 3473 and 3474 are available as day rooms. Pay-free parking is available in the underground parking garage; but only if accessed through the entrance Zollstrasse.

/signature/

J. Mellado y Mellado
For the Opposition Division
Tel.: (089) 2399 8734

Enclosures: Acknowledgment of receipt (form 2936)
Rule 2 EPC (EPO form 2043)
Communication (EPO form 2906)

REGISTERED MAIL WITH RETURN RECEIPT

EPO form 2310.1PH 01.98	7051420	Apr. 22, 99	M20576
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EPO
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European Patent Office

Directorate General 2

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Apr. 27, 99

Ref. 1P3. 0620115 OPPO 01	Application No./Patent No. 94103832.5-2304/ 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

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94103832.5	ORAL	4	

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1. State of the art:

1.1 At present, the following documents are part of the opposition proceedings:

K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15

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2.2 Moreover, the subject matter of claim 1 also contains inventive steps in the sense of article 56 EPC.

2.3 After submission of the enlarged copy (document K1a), the Opposition Division is in doubt whether the following characteristic features of the contested claim 1 follow from the teachings of document 1:

- (i) "and the coating unit that is upstream with respect to the sheet running direction" is executed as a flexo printing unit,

as well as

(ii) “ a coating unit (7) is located directly or indirectly downstream of the flexo printing unit (6)”.

Furthermore, according to the conformable opinion of both parties, the following characteristic features of claim 1 are not explicitly disclosed in document K1:

(iii) “ which is connected to a feed pump for liquid feed and a suction pump for liquid return”.

It does not seem possible to derive the combination of these features (i), (ii), and (iii) from the document K2.

3. Conclusion:

The Opposition probably will be rejected pursuant to article 102(2) EPC.

/signature/
I. Thormählen

/signature/
M.E. AXTERS

/signature/
E.Greiner

Thormählen

The final 4 pages of Tab 17 are trilingual (The Translator)

THE COURT REPORTER

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA

TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961

E-MAIL: koenig@ipTranslation.com

October 3, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 17":

**Summons to Oral Proceedings and Preliminary Position of Opposition
Division**

Ch. König

(Christian König)

EPO
D-80298 München
Tel 069/2399-0
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Fax 069/2300-4465

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COPY

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Postfach 6060
97010 Würzburg
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Applicant/Proprietor MAN Roland Druckmaschinen AG	

SUMMONS TO ORAL PROCEEDINGS PURSUANT TO RULE 71(1) EPC

Hereby you are summoned to oral proceedings in the matter of the above-mentioned European patent.

The subject matters to be discussed are listed in the communication (EPO form 2906) that is enclosed with this summons.

The public oral proceedings take place in front of the Opposition Division

on Aug. 3, 99 at 10:00 am in room no. 2542 of the EPO Bayerstr. 34
PschorrHöfe, D-80335 München.

The date for the proceedings has been arranged with you earlier. Changes are no longer possible, except in substantiated special cases. Should you not attend in accordance with this summons, then the proceedings can continue without you (Rule 71(2) EPC).

Regarding the language of the proceedings we refer to rule 2 EPC.

Concerning the presentation of powers of attorney for employees and attorneys as representatives before the EPO, we refer to the notice in the official gazette 9/91, page 489.

The date until when written statements and/or documents can be submitted (rule 71a EPC) is
July 3, 99

We ask you to register with the receptionist in the EPO entrance hall in due time before the commencement of the proceedings. Rooms 3473 and 3474 are available as day rooms. Pay-free parking is available in the underground parking garage; but only if accessed through the entrance Zollstrasse.

/signature/

J. Mellado y Mellado
For the Opposition Division
Tel.: (089) 2399 8734

Enclosures: Acknowledgment of receipt (form 2936)
Rule 2 EPC (EPO form 2043)
Communication (EPO form 2906)

REGISTERED MAIL WITH RETURN RECEIPT

EPO form 2310.1PH 01.98	7051423	Apr. 22, 99	M20576
94103832.5	ORAL	4	

In an interlocutory statement of opinion, the Opposition Division takes the following position:

1. State of the art:

1.1 At present, the following documents are part of the opposition proceedings:

K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15

K2 = US-A-5 176 077

K3 = copy from the reference book: "Flexodruck von A bis Z", cover page, masthead, page 160

1.2 In the opinion of the Opposition Division, on the basis of the documents submitted in a letter of Feb. 10, 1999, the document K1 and the document K1a comply with the requirements of article 54(2) EPC, and are therefore taken into consideration in the examination of the claims concerning novelty and inventive steps.

2. Novelty / Inventive steps:

2.1 In the opinion of the Opposition Division, claim 1 in the granted version is novel in relation to the published state of the art, in the sense of article 54 EPC.

2.2 Moreover, the subject matter of claim 1 also contains inventive steps in the sense of article 56 EPC.

2.3 After submission of the enlarged copy (document K1a), the Opposition Division is in doubt whether the following characteristic features of the contested claim 1 follow from the teachings of document 1:

- (i) "and the coating unit that is upstream with respect to the sheet running direction" is executed as a flexo printing unit,

as well as

(ii) "a coating unit (7) is located directly or indirectly downstream of the flexo printing unit (6)".

Furthermore, according to the conformable opinion of both parties, the following characteristic features of claim 1 are not explicitly disclosed in document K1:

(iii) "which is connected to a feed pump for liquid feed and a suction pump for liquid return".

It does not seem possible to derive the combination of these features (i), (ii), and (iii) from the document K2.

3. Conclusion:

The Opposition probably will be rejected pursuant to article 102(2) EPC.

/signature/
I. Thormählen

/signature/
M.E. AXTERS

/signature/
E.Greiner

10427947E6

The final 4 pages of Tab 17 are trilingual (The Translator)

2025 SEP 26 09:27 AM



EPA/EPO/OEB
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089/2399-0
TX 523 656 apmu d
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Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Generaldirektion 2

Directorate General 2

Direction Générale 2

Marek, Joachim, Dipl.-Ing.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S,
Postfach 10 12 64
63012 Offenbach
ALLEMAGNE

AN FAX-NR.

(069) 8305-1440

Datum/Date

17/03/99

Zeichen/Ref./Réf. JMa/GScho	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94103832.5-2304/0620115
Anmelder/Applicant/Demandeur/Patentinhaber/Propriétaire/Titulaire MAN Roland Druckmaschinen AG	

VORBEREITUNG EINER MÜNDLICHEN VERHANDLUNG

Das EPA beabsichtigt, die Beteiligten zu einer mündlichen Verhandlung (Artikel 116 EPÜ)

am 03.08.99

um 900 zu laden.

Geht beim EPA innerhalb von 10 Tagen nach dem Absendedatum dieser Telekopie keine Antwort von Ihnen ein, so wird davon ausgegangen, dass Ihnen der vorgeschlagene Termin zusagt, und es erfolgt eine entsprechende Ladung. Sollten Sie an dem vorgeschlagenen Termin aus zwingenden Gründen nicht an der mündlichen Verhandlung teilnehmen können, so ist das EPA bereit, den nachfolgenden Alternativtermin in Betracht zu ziehen, sofern es innerhalb der genannten Frist von 10 Tagen entsprechend unterrichtet wird.

Alternativtermin 14.12.99

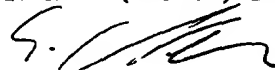
Der Alternativtermin ist von Ihnen vorher mit allen betroffenen Beteiligten abzustimmen. Die Ladung wird dann zu dem Alternativtermin ergehen.

Wir weisen darauf hin, dass nach Absendung der Ladung einem Antrag auf Änderung des anberaumten Termins nur in Ausnahmefällen stattgegeben werden kann.

Bitte richten Sie Ihre Antwort binnen 10 Tagen (soweit erforderlich auch zur Sprachenanfrage - Regel 2) per Fernschreiben oder Telekopie an den Formalsachbearbeiter. Einer schriftlichen Bestätigung bedarf es nicht. Der Zeitpunkt, bis zu dem Schriftsätze und Unterlagen eingereicht werden können (Regel 71a EPÜ), wird in der folgenden Ladung bestimmt.

Formalsachbearbeiter

Tel. No.: (+49-89) 2399- 8734

 Eva Nereshöimer

Anlagen: [] Anhang wie für die Ladung vorgesehen
[] Regel 2 EPÜ (EPA Form 2043)

P.S. Diese Mitteilung per Telekopie wird nicht schriftlich bestätigt.



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Generaldirektion 2

Directorate General 2

Direction Générale 2

COPY

Marek, Joachim, Dipl.-Ing.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S,
Postfach 10 12 64
63012 Offenbach
ALLEMAGNE



Datum/Date

27. 04. 99

Zeichen/Ref./Réf. JMa/GScho	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94103832.5-2304/0620115
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire MAN Roland Druckmaschinen AG	

LADUNG ZUR MÜNDLICHEN VERHANDLUNG GEMÄSS REGEL 71(1) EPÜ

Hiermit werden Sie zur mündlichen Verhandlung in Sachen des obenge-
nannten europäischen Patents geladen.

Die zu erörternden Gegenstände sind in dem dieser Ladung beigelegten Be-
scheid (EPA Form 2906) genannt.

Die öffentliche mündliche Verhandlung findet statt vor der Einspruchs-
abteilung

* am 03.08.99 um 10h 00 Uhr in Saal Nr.2452 des EPA Bayerstr.34 *
* PschorrHöfe, D-80335 München *

Der Verhandlungstermin wurde vorab mit Ihnen vereinbart. Änderungen sind
nicht mehr möglich, ausser in begründeten Sonderfällen. Sollten Sie
nicht ladungsgemäss erscheinen, so kann das Verfahren ohne Sie fortge-
setzt werden (Regel 71(2) EPÜ).

Hinsichtlich der Verhandlungssprache wird auf Regel 2 EPÜ hingewiesen.
Bezüglich der Vorlage von Vollmachten für Angestellte und Rechtsanwälte
als Vertreter vor dem EPA wird auf die Mitteilung im Amtsblatt 9/91,
S. 489 verwiesen.

Der Zeitpunkt, bis zu dem Schriftsätze und/oder Unterlagen eingereicht
werden können (Regel 71a EPÜ), ist der 3.7.99

Sie werden gebeten, rechtzeitig vor Beginn der Verhandlung beim Pförtner
in der Eingangshalle des EPA vorzusprechen. Saal 3473 und Saal 3474 ste-
hen als Aufenthaltsräume zur Verfügung. Kostenlose Parkplätze stehen in
der Tiefgarage zur Verfügung, jedoch nur über die Einfahrt Zollstrasse.

J. Mellado y Mellado

Für die Einspruchsabteilung: Anlagen: Empfangsbestätigung (Form 2936)
Tel. Nr.: (089) 2399-8234 Regel 2 EPÜ (EPA Form 2043)
Bescheid (EPA Form 2906)

Einschreiben mit Rückschein

EPA Form 2310.1PH 01.98	7051420	22/04/99	M20576
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Generaldirektion 2

Directorate General 2

Direction Générale 2

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
ALLEMAGNE



Datum/Date

27. 04. 99

Zeichen/Ref./Réf. 1P3.0620115 OPPO 01	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94103832.5-2304/0620115
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire MAN Roland Druckmaschinen AG	

LADUNG ZUR MÜNDLICHEN VERHANDLUNG GEMÄSS REGEL 71(1) EPÜ

Hiermit werden Sie zur mündlichen Verhandlung in Sachen des obenge-
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Die zu erörternden Gegenstände sind in dem dieser Ladung beigelegten Be-
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abteilung

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* PschorrHöfe, D-80335 München *

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setzt werden (Regel 71(2) EPÜ).

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Bezüglich der Vorlage von Vollmachten für Angestellte und Rechtsanwälte
als Vertreter vor dem EPA wird auf die Mitteilung im Amtsblatt 9/91,
S. 489 verwiesen.

Der Zeitpunkt, bis zu dem Schriftsätze und/oder Unterlagen eingereicht
werden können (Regel 71a EPÜ), ist der

...3.-7.-99.....

Sie werden gebeten, rechtzeitig vor Beginn der Verhandlung beim Pförtner
in der Eingangshalle des EPA vorzusprechen. Saal 3473 und Saal 3474 ste-
hen als Aufenthaltsräume zur Verfügung. Kostenlose Parkplätze stehen in
der Tiefgarage zur Verfügung. Jedoch nur über die Einfahrt Zollstrasse.

J Meliado y Meliado

Für die Einspruchsabteilung: Anlagen: Empfangsbestätigung (Form 2936)
Tel. Nr.: (089) 2399-5734 Regel 2 EPÜ (EPA Form 2043)
Bescheid (EPA Form 2906)

Einschreiben mit Rückschein

EPA Form 2310.1PH 01.98	7051423	22/04/99	M20576
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In einer vorläufigen Stellungnahme nimmt die Einspruchsabteilung folgende Position ein:

1. Stand der Technik:

1.1 Folgende Schriften befinden sich im Einspruchsverfahren:

K1 = Kopie aus der Zeitschrift: "Offsetpraxis", 3/1993, Seiten 12 - 15

K1a = Vergrößerung einer Abbildung aus der Kopie K1

K2 = US-A-5 176 077

K3 = Kopie aus dem Fachbuch: "Flexodruck von A bis Z", Deckblatt, Impressum, Seite 160

1.2 Das Dokument K1 und das Dokument K1a erfüllen nach Auffassung der Einspruchsabteilung auf Grund der im Schreiben vom 10.02.1999 eingereichten Unterlagen die Erfordernisse des Artikels 54(2) EPÜ und werden deshalb für die Prüfung der Ansprüche auf Neuheit und erfinderische Tätigkeit berücksichtigt.

2. Neuheit / erfinderische Tätigkeit:

2.1 Nach Auffassung der Einspruchsabteilung ist der Anspruch 1 in der erteilten Fassung neu im Sinne des Artikels 54 EPÜ gegenüber dem bekanntgewordenen Stand der Technik.

2.2 Darüberhinaus weist der Gegenstand des Anspruchs 1 auch erfinderische Tätigkeit im Sinne des Artikels 56 EPÜ auf.

2.3 Nach Vorlage der Vergrößerung (Dokument K1a) hat die Einspruchsabteilung Zweifel daran, daß folgende Merkmale des bestrittenen Anspruchs 1 aus der Offenbarung des Dokuments K1 hervorgehen:

(i) "und die entsprechend Bogenlaufrichtung vorgeordnete Lackiereinheit " als Flexodruckwerk ausgebildet ist,

sowie

TECHNICAL



(ii) "dem Flexodruckwerk (6) eine Lackiereinheit (7) direkt oder indirekt nachgeordnet ist".

Darüberhinaus sind die folgenden Merkmale des Anspruchs 1 nach übereinstimmender Auffassung beider Parteien im Dokument K1 nicht explizit offenbart:

(iii) "das mit einer Förderpumpe zur Flüssigkeitszufuhr und einer Saugpumpe zur Flüssigkeitsrückführung verbunden ist".

Diese Merkmale (i), (ii) und (iii) erscheinen nicht in Kombination miteinander aus dem Dokument K2 herleitbar.

3. Schlußfolgerung:

Der Einspruch wird voraussichtlich gemäß Artikel 102(2) EPÜ zurückgewiesen.

J. Thormählen

I. Thormählen

H.E. Axters

H.E. AXTERS

E. Greiner

E. Greiner

EP 0 413 832.5



✉ EPA / EPO / OEB
D - 80298 München
☎ 089 / 2399 - 0
Tx 523 656 epmu d
Fax 089 / 2399 - 4465

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TECHNICAL STAFF

Wichtige Hinweise zur mündlichen Verhandlung

Das Europäische Patentamt verfügt über keine eigenen Dolmetscher. Diese müssen im Bedarfsfall von außerhalb, teilweise sogar aus anderen Ländern, beigezogen werden, was mit einem hohen Aufwand an Kosten und organisatorischen Vorbereitungen verbunden ist. Muß ein Verhandlungstermin kurzfristig abberaumt werden, können Kosten für bestellte Dolmetscher nicht mehr vermieden werden.

Es wird daher gebeten, eine Simultanübersetzung nur bei wirklichem Bedarf in Anspruch zu nehmen. Es wäre wünschenswert, wenn sich die Beteiligten (zweckmäßigerweise gleichzeitig mit der Terminabstimmung) auf die Benutzung einer Amtssprache einigen könnten. Bei Verständigungsschwierigkeiten sind die Mitglieder der Einspruchsabteilung bereit zu helfen.

Die von den Verfahrensbeteiligten bevorzugte (abgestimmte) Verhandlungssprache und ggf. eine notwendige Simultanübersetzung sind dem Amt möglichst vor der in Regel 2(1) EPÜ angegebenen Frist mitzuteilen.

(bitte umblättern)

Important information concerning oral proceedings

The European Patent Office has no interpreters of its own. When interpreters are needed they have to be brought in from outside, sometimes even from other countries, which is costly and involves considerable organisation. If oral proceedings have to be cancelled at short notice, the cost of interpreters already engaged still has to be borne.

Please therefore make use of simultaneous interpreting facilities only where strictly necessary. If possible the parties should agree on an official language for the proceedings, preferably at the time when they arrange a date. The members of the Opposition Division will be willing to help should any communication problems arise.

The EPO should be told if possible before the period mentioned in Rule 2(1) EPC which language the parties prefer (agree on) and whether simultaneous interpreting facilities are required.

(please see overleaf)

Très important Procédure orale

L'Office européen des brevets ne dispose pas de son propre service d'interprètes. Aussi fait-il appel le cas échéant à des interprètes de l'extérieur, qui viennent même parfois de l'étranger, ce qui occasionne des frais élevés et demande un grand travail d'organisation. Si la date d'une procédure orale doit être annulée au dernier moment, il n'est plus possible d'éviter les frais d'interprètes.

Les parties à une procédure sont donc priées de ne demander une traduction simultanée qu'en cas de réel besoin. Il serait souhaitable qu'elles puissent se mettre d'accord en même temps qu'elles conviennent de la date sur l'utilisation d'une langue officielle comme langue des débats. Si les parties éprouvent des difficultés de compréhension lors des débats, les membres de la division d'opposition sont disposés leur prêter leur assistance.

L'Office doit être avisé si possible avant le début du délai mentionné dans la règle 2(1) CBE de la langue préférée par les parties pour le déroulement des débats (et sur laquelle elles se sont préalablement mises d'accord) et de la nécessité éventuelle d'une traduction simultanée.

(voir au verso)

Verfahrenssprache ist
Deutsch.

Language of the proceedings is
English.

La langue de la procédure est le
français.

Von der/dem/den Einsprechenden
wurde

☒ Englisch
☐ Französisch

benutzt.

The language used by the
opponent/s was

☐ German
☐ French.

La langue utilisée par l'opposant/
les opposants était

☐ l'allemand
☐ l'anglais.

~~Es wird um eilige Mitteilung~~
- möglichst per Telefax oder fern-
schriftlich an den zuständigen
Formalprüfer - gebeten.

Please inform us urgently - where
possible by fax or telex addressed
to the formalities officer
concerned -

Prière d'indiquer d'urgence à
l'agent des formalités compétent,
si possible par téléfax ou par
téléx,

1. welche Sprache(n) Sie in der
mündlichen Verhandlung verwen-
den werden (Sprechen)

1. which language(s) you intend to
use during the oral proceedings
(Speaking)

1. quelle(s) langue(s) vous utiliserez
au cours de la procédure orale
(pour parler)

2. aus welcher Sprache Sie eine
Simultanübersetzung benötigen
(Hören)

2. from which language you need
simultaneous interpretation
(Listening).

2. à partir de quelle langue vous
aurez besoin d'une traduction
simultanée (pour écouter).

Sollten Sie Ihren Antrag auf münd-
liche Verhandlung zurückziehen oder
zum anberaumten Verhandlungster-
min nicht erscheinen wollen bzw.
aus wichtigem Grund daran gehin-
dert sein, werden Sie gebeten,

Should you decide to withdraw your
request for oral proceedings or not
wish to attend on the date set, or if
for some special reason you are
unable to do so, you are requested

Si vous retirez votre requête tendant
à recourir à la procédure orale ou si
vous ne souhaitez pas vous présen-
ter à la date fixée pour la procédure
orale ou ne pouvez vous y présenter
pour une raison sérieuse, veuillez

- unverzüglich das Amt
- möglichst per Telefax oder
Fernschriftlich - davon zu
benachrichtigen, wobei das
Schriftstück mit einem deutli-
chen Vermerk "Dringend,
mündliche Verhandlung am ..."
oder sinngemäß gekennzeichnet
sein sollte;

- to notify the EPO immediately,
where possible by fax or telex,
marking the document clearly
with the words "Urgent, oral
proceedings on ..." or similar

- en faire avis sans retard à
l'Office, si possible par téléfax
ou par téléx, en portant sur
votre communication
clairement la mention "Urgent,
procédure orale le ..." ou une
indication similaire ;

- in dringenden Fällen (weniger
als 1 Monat vor dem Verhand-
lungstermin), zusätzlich auch
den/die anderen Verfahrensbe-
teiligten bzw. ihre(n) Vertreter
auf schnellstem Weg direkt zu
unterrichten.

- in urgent cases (less than one
month before the date set for the
proceedings), additionally to
notify the other party/parties
and/or their representative(s)
direct as rapidly as possible.

- dans les cas urgents (moins
d'un mois avant la date fixée
pour la procédure orale), en faire
avis également directement
par la voie la plus rapide à
l'autre/aux autres partiels) ou
bien à son/leurs mandataire(s)

In jedem solchen Fall obliegt der Ein-
spruchsabteilung die Entscheidung,
ob die Verhandlung durchgeführt
oder abberaumt wird. Es wird jedoch
darauf hingewiesen, daß einem Ver-
fahrensbeteiligten, der eine nicht
rechtzeitige oder unterbliebene Be-
nachrichtigung zu verantworten hat,
die dadurch den anderen Beteiligten
verursachten Kosten auferlegt
werden können (Art. 104 EPU).

In all such cases the Opposition
Division will decide whether the pro-
ceedings are to go ahead or be
cancelled. You should however note
that costs incurred by the other
parties may be charged to a party
who either fails to notify them or
does not do so in good time
(Article 104 EPC).

Il appartient alors à la division
d'opposition de décider si la procé-
dure orale aura lieu ou non. Il est
néanmoins souligné que les frais
causés aux autres parties par une
partie qui est responsable de
l'omission d'un tel avis ou de ce que
cet avis n'a pas été fait en temps
utile peuvent être mis à la charge de
cette partie (art. 104 CBE).

TELEFAX: 033 30 30 30 30

Regel 2**Ausnahmen von den Vorschriften über die Verfahrenssprache im mündlichen Verfahren**

- (1) Jeder an einem mündlichen Verfahren vor dem Europäischen Patentamt Beteiligte kann sich anstelle der Verfahrenssprache einer anderen Amtssprache des Europäischen Patentamts bedienen, sofern er dies entweder dem Europäischen Patentamt spätestens einen Monat vor dem angesetzten Termin mitgeteilt hat oder selbst für die Übersetzung in die Verfahrenssprache sorgt. Jeder Beteiligte kann sich auch einer Amtssprache eines der Vertragsstaaten bedienen, sofern er selbst für die Übersetzung in die Verfahrenssprache sorgt. Von den Vorschriften dieses Absatzes kann das Europäische Patentamt Ausnahmen zulassen.
- (2) Die Bediensteten des Europäischen Patentamts können sich im mündlichen Verfahren anstelle der Verfahrenssprache einer anderen Amtssprache des Europäischen Patentamts bedienen.
- (3) In der Beweisaufnahme können sich die zu vernehmenden Beteiligten, Zeugen oder Sachverständigen, die sich in einer der Amtssprachen des Europäischen Patentamts oder der Vertragsstaaten nicht hinlänglich ausdrücken können, einer anderen Sprache bedienen. Ist die Beweisaufnahme auf Antrag eines Beteiligten angeordnet worden, so werden die zu vernehmenden Beteiligten, Zeugen oder Sachverständigen mit Erklärungen, die sie in anderen Sprachen als den Amtssprachen des Europäischen Patentamts abgeben, nur gehört, sofern der antragstellende Beteiligte selbst für die Übersetzung in die Verfahrenssprache sorgt; das Europäische Patentamt kann jedoch die Übersetzung in einer seiner anderen Amtssprachen zulassen.

Rule 2**Derogations from the provisions concerning the language of the proceedings in oral proceedings**

- (1) Any party to oral proceedings before the European Patent Office may, in lieu of the language of the proceedings, use one of the other official languages of the European Patent Office, on condition either that such party gives notice to the European Patent Office at least one month before the date laid down for such oral proceedings or makes provision for interpreting into the language of the proceedings. Any party may likewise use one of the official languages of the Contracting States, on condition that he makes provision for interpretation into the language of the proceedings. The European Patent Office may permit derogations from the provisions of this paragraph.
- (2) In the course of oral proceedings, the employees of the European Patent Office may, in lieu of the language of the proceedings, use one of the other official languages of the European Patent Office.
- (3) In the case of taking of evidence, any party to be heard, witness or expert who is unable to express himself adequately in one of the official languages of the European Patent Office or the Contracting States may use another language. Should the taking of evidence be decided upon following a request by a party to the proceedings, parties to be heard, witnesses or experts who express themselves in languages other than the official languages of the European Patent Office may be heard only if the party who made the request makes provision for interpretation into the language of the proceedings: the European Patent Office may, however, authorise interpretation into one of its other official languages.

Règle 2**Dérégations aux dispositions relatives à l'utilisation de la langue de la procédure au cours de la procédure orale**

- (1) Toute partie à une procédure orale devant l'Office européen des brevets peut, au lieu et place de la langue de la procédure, utiliser l'une des autres langues officielles de cet Office, à condition soit d'en aviser ledit Office un mois au moins avant la date fixée pour l'audience, soit d'assurer l'interprétation dans la langue de la procédure. Toute partie peut également utiliser l'une des langues officielles de l'un des Etats contractants à condition d'assurer l'interprétation dans la langue de la procédure. L'Office européen des brevets peut autoriser des dérogations aux dispositions du présent paragraphe.
- (2) Au cours de la procédure orale, les agents de l'Office européen des brevets peuvent utiliser l'une des autres langues officielles de cet Office au lieu et place de la langue de la procédure.
- (3) Au cours de la procédure d'instruction, toute partie à l'audition de laquelle il doit être procédé, les témoins ou experts appelés à participer à la procédure, qui ne possèdent pas une maîtrise suffisante de l'une des langues officielles de l'Office européen des brevets ou de l'un des Etats contractants, peuvent utiliser une autre langue. Si l'instruction est décidée sur requête d'une partie à la procédure, les parties, témoins ou experts appelés à participer à cette instruction, qui s'expriment dans des langues autres que les langues officielles de l'Office européen des brevets ne peuvent être entendus que si la partie ayant formulé la requête assure l'interprétation dans la langue de la procédure : L'Office européen des brevets peut toutefois autoriser l'interprétation dans une de ses autres langues officielles.

(4) Mit Einverständnis aller Beteiligten und des Europäischen Patentamts kann in einem mündlichen Verfahren jede Sprache verwendet werden.

(5) Das Europäische Patentamt übernimmt, soweit erforderlich, auf seine Kosten die Übersetzung in die Verfahrenssprache und gegebenenfalls in seine anderen Amtssprachen, sofern ein Beteiligter nicht selbst für die Übersetzung zu sorgen hat.

(6) Erklärungen der Bediensteten des Europäischen Patentamts, der Beteiligten, Zeugen und Sachverständigen in einem mündlichen Verfahren, die in einer Amtssprache des Europäischen Patentamts abgegeben werden, werden in dieser Sprache in die Niederschrift aufgenommen. Erklärungen in einer anderen Sprache werden in der Amtssprache aufgenommen, in die sie übersetzt worden sind. Änderungen des Textes der Beschreibung und der Patentansprüche der europäischen Patentanmeldung der des europäischen Patents werden in der Verfahrenssprache in die Niederschrift aufgenommen.

(4) If the parties and the European Patent Office agree, any language may be used in oral proceedings.

(5) The European Patent Office shall, if necessary, make provisions at its own expense for interpretation into the language of the proceedings, or, where appropriate, into its other official languages, unless this interpretation is the responsibility of one of the parties to the proceedings.

(6) Statements by employees of the European Patent Office, by parties to the proceedings and by witnesses and experts, made in one of the official languages of the European Patent Office during oral proceedings shall be entered in the minutes in the language employed. Statements made in any other language shall be entered in the official language into which they are translated. Amendments to the text of the description or claims of a European patent application or European patent shall be entered in the minutes in the language of the proceedings.

(4) À réserve de l'accord des parties et de l'Office européen des brevets, toute langue peut être utilisée dans la procédure orale.

(5) L'Office européen des brevets assure à ses frais, en tant que de besoin, l'interprétation dans la langue de la procédure, ou le cas échéant, dans l'une de ses autres langues officielles, à moins que cette interprétation ne doive être assurée par l'une des parties à la procédure.

(6) Les interventions des agents de l'Office européen des brevets, des parties à la procédure, des témoins et experts, faites au cours d'une procédure orale dans l'une des langues officielles de cet Office, sont consignées au procès-verbal dans la langue utilisée. Les interventions faites dans une autre langue sont consignées dans la langue officielle dans laquelle elles sont traduites. Les modifications du texte de la description ou des revendications de la demande de brevet européen ou du brevet européen sont consignées au procès-verbal dans la langue de la procédure.

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA

TELEPHONE: (604) 876 9955 FACSIMILE: (604) 876 9961

E-MAIL: koenig@ipTranslation.com

October 26, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 18"
KBA letter introducing new documents


(Christian König)

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

By Registered Mail

European Patent Office
Erhardtstr. 27

80298 Munich

Our reference: 1P3.00620115/W-KL/99.1089/Sl/sa

European patent no. EP 06 20 115 B1
European application No. 94 103 832.5-2304
Patent proprietor : MAN Roland Druckmaschinen AG
Opponent : Koenig & Bauer Aktiengesellschaft

**REGARDING THE COMMUNICATION OF April 27,
1999**

1. All previously filed motions are being maintained.
2. We request to admit the following documents into the opposition proceedings:

K4: "Druckindustrie" 9001 St. Gallen, No. 5,
Mar. 11, 1993

*"Nach Golde drängt, am Golde hängt doch alles
..."*, Cover page, masthead, pages 22 and 23

K5: DE 41 22 990 A1

K6: EP 04 99 382 A1

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-97080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date:	June 30, 1999
Our reference:	1P3.0620115
Tel. (0931) 909-	43 26
Fax (0931) 909-	47 89
Your letter of	Apr. 27, 1999
Your reference	94103832.5-2304

Chairman of the board:
Peter Rempel
Board of directors:
Reinhart Slewert, chairperson
Albrecht Bolza-Schünemann, Cert. Eng.
Claus Bolza-Schünemann, Cert. Eng.
Dieter Jensen, Cert. Eng.
Frank Junker, Ph.D. Eng.
Andreas Mössner, Bachelor. of Bus.
Admin.
Burkhard Roos,
Walter Schumacher, Cert. Eng.

Registered office: Würzburg
Registrar of companies Würzburg
Commercial Registration B 109

Postbank Nürnberg
Routing number 760 100 85
Account no. 422-850
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

3. Statement of reasons

- 3.1 Regarding K4: "Druckindustrie" 9001 ST. Gallen, No. 5, Mar. 11, 1993
K4 is meant to supplement K1.

Not only K1 and K4 should be consulted as prior art, but also the disclosure content of the presentation at the firm Fritz Busche Druckereigesellschaft mbH in Dortmund.

This disclosure content of the presentation also includes the teaching of K5: DE 41 22 990 A1, since this patent document is cited in K1 and in K4.

K4 discloses that in a first tower of the sheet-fed offset printing machine water soluble gold printing ink (Page 22, right column, paragraph 6) is applied in a flexo printing process and the overprint coating (Page 23, right column, paragraph 1) is applied last.

It is also disclosed that large metal pigments can be selected (Page 2, paragraph 2).

- 3.2 Regarding K5: DE 41 22 990 A1
K5 describes the ink that was introduced in the presentation at the company Busche. Column 2, lines 51 to 65 disclose large pigments as ink constituents, and column 1, lines 3 and 4 describe a water-dilutable (i.e. rapidly drying) effect printing ink.

It is also mentioned that in an advantageous manner the ink application should take place in a flexo printing unit of an offset machine with a relief plate and an anilox roller (Column 3, line 60 to column 4, line 16).

3.3 Regarding K6: EP 04 99 382 A1

K6 describes a system for the coating of materials to be printed in rotary printing machines by means of a flexo printing unit (Fig. 1, column 1, lines 43 to 47). This flexo printing unit contains a relief form carrying impression cylinder 30, an anilox roller 32, and a doctor blade chamber 36 with a doctor blade 48 positioned in the positive direction, and a doctor blade 50 positioned in the negative direction.

A feed pump 74 in a piping system with a reservoir 70 is located upstream of the doctor blade chamber 36, and a suction pump 92 in a piping system with reservoir 70 is located downstream (Fig. 2, column 7, line 42 to column 8, line 13).

4. Summary

The presentation at the company Busche in Dortmund therefore teaches to configure a first coating unit in a sheet-fed offset printing machine as a flexo printing unit with anilox roller and doctor blade chamber and to provide a second coating unit downstream of this first coating unit.

Consequently, the subject matter of the presentation (K1) only differs by not explicitly mentioning a suction pump.

But installing such a suction pump in the fluid return, if so required, is part of the professional expertise of a person skilled in the art, and is well known, for example from K6: EP 04 99 382 A1.

Koenig & Bauer Aktiengesellschaft

/signature/
pp. Stiel
General power of
attorney No. 36992

/signature/
per pro Schäfer

Enclosures:

- K4: "Druckindustrie" 9001 St. Gallen, Nr. 5, Mar. 11, 1993
"Nach Golde drängt, am Golde hängt doch alles ...",
Cover page, masthead, pages 22 and 23
K5: DE 41 22 990 A1
K6: EP 04 99 382 A1

Delivered: Jul. 12, 99 /Stamp:/
Date Initial

Koenig & Bauer Aktiengesellschaft
Druckmaschinen, Würzburg



Einschreiben

Europäisches Patentamt
Erhardtstr. 27

80298 München

Koenig & Bauer AG
Postfach 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-97080 Würzburg
Telefon (09 31) 9 09-0
Fax (09 31) 9 09-41 01
E-Mail: kba-wuerzburg@kba-print.de
Internet: http://www.kba-print.de

Datum	1999-06-30
Unsere Zeichen	1P3.0620115
Tel. (09 31) 9 09-	43 26
Fax (09 31) 9 09-	47 89
Ihr Schreiben vom	27.04.1999
Ihre Zeichen	94103832.5-2304

Unser Zeichen: 1P3.0620115/W-KL/99.1089/SI/sa

Europäisches Patent Nr. EP 06 20 115 B1
Europäische Anmeldung Nr. 94 103 832.5-2304
Patentinhaber: MAN Roland Druckmaschinen AG
Einsprechende: Koenig & Bauer Aktiengesellschaft

oral 3.8.99
oppo

AUF DEN BESCHEID VOM 27.04.1999

1. Alle bisher gestellten Anträge werden aufrecht erhalten.
2. Es wird beantragt, die Dokumente

K4: „Druckindustrie“ 9001 St. Gallen, Nr. 5, 11.3.1993

„Nach Golde drängt, am Golde hängt doch alles ...“

Titelblatt, Impressum, Seiten 22 und 23

K5: DE 41 22 990 A1

K6: EP 04 99 382 A1

in das Einspruchsverfahren aufzunehmen.

Aufsichtsratsvorsitzender
Peter Rempell
Vorstand:
Reinhard Siewert, Vorsitzender
Dipl.-Ing. Albrecht Bolza-Schürmann
Dipl.-Ing. Claus Bolza-Schürmann
Dipl.-Ing. Dieter Jensen
Dr.-Ing. Frank Junker
Dipl.-Betriebsw. Andreas Möhrer (Stellv.)
Dipl.-Ing. Walter Schumacher

Sitz der Gesellschaft Würzburg
Amtsgericht Würzburg
Handelsregister B 109

Postbank Nürnberg
BLZ 760 100 85
Konto-Nr. 422-850
Landeszentralbank Würzburg
BLZ 790 000 00
Konto-Nr. 79 008 600

3. Begründung

- 3.1. Zur K4: „Druckindustrie“ 9001 St. Gallen, Nr. 5, 11.3.1993
Die K4 soll als Ergänzung zur K1 dienen.

Als Stand der Technik soll also nicht nur die K1 oder die K4 herangezogen werden, sondern der Offenbarungsgehalt der Präsentation bei der Firma Fritz Busche Druckereigesellschaft mbH, Dortmund.

Zu diesem Offenbarungsgehalt der Präsentation gehört auch die Lehre der K5: DE 41 22 990 A1, da auf diese Patentveröffentlichung sowohl in der K1 als auch in der K4 verwiesen wird.

Der K4 ist zu entnehmen, daß in der Bogenoffsetdruckmaschine im ersten Turm im Flexodruck die wasserlösliche Goldruckfarbe (Seite 22, rechte Spalte, Absatz 6) und zum Schluß der Überdrucklack (Seite 23, rechte Spalte, Absatz 1) aufgetragen wird.

Auch ist offenbart, daß große Metallpigmente gewählt werden können (Seite 2, Absatz 2).

- 3.2. Zur K5: DE 41 22 990 A1

In der K5 wird die in der Präsentation der Firma Busche vorgestellte Farbe beschrieben. Spalte 2, Zeilen 51 bis 65 offenbaren als Farbbestandteile grobe Pigmente und Spalte 1, Zeilen 3 und 4 eine wasserverdünnbare (also schnell

trocknende) Effektdruckfarbe.

Außerdem erfolgt der Hinweis, daß der Farbauftrag vorteilhaft in einem Flexodruckwerk einer Offsetmaschine mit Hochdruckplatte und Rasterwalze erfolgen soll (Spalte 3, Zeile 60 bis Spalte 4, Zeile 16).

3.3. Zur K6: EP 04 99 382 A1

Die K6 beschreibt eine Einrichtung zum Beschichten von Bedruckstoffen in Rotationsdruckmaschinen mit einem Flexodruckwerk (Fig. 1, Spalte 1, Zeilen 43 bis 47). Dieses Flexodruckwerk weist einen eine Hochdruckform tragenden Formzylinder 30, eine Rasterwalze 32 und eine Kammerrakel 36 mit positiv angestellter Rakel 48 und negativ angestellter Rakel 50 auf.

Der Kammerrakel 36 ist eine Förderpumpe 74 in Leitungssystemen mit Reservoir 70 vorgeordnet und eine Saugpumpe 92 in Leitungssystemen mit Reservoir 70 nachgeordnet (Fig. 2, Spalte 7, Zeile 42 bis Spalte 8, Zeile 13).

4. Zusammenfassung

Die Präsentation bei der Firma Busche, Dortmund lehrt also, in einer Bogenoffsetdruckmaschine eine erste Lackiereinheit als Flexodruckeinheit mit Rasterwalze und Kammerrakel auszubilden und dieser eine zweite Lackiereinheit nachzuschalten.

Somit unterscheidet sich der Gegenstand der Präsentation (der K1) lediglich dadurch, daß eine Saugpumpe nicht explizit erwähnt ist. Eine derartige Saugpumpe im Flüssigkeitsrücklauf bei Bedarf anzuordnen,

i.V. Stiel
Allg. Vollm. Nr. 36992

i.A. Schäfer

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Übersandt 12.07.99
Datum Zeichen

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

September 20, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 19"
Notice of Revocation and text of Decision to Revoke

Ch. König

(Christian König)

10/10/00 09:00:00

Page 1 of Tab 19 is tri-lingual. (The translator)

2025-04-11 14:23:40

EPA/EPO/OEB
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Aug. 25th 1999

Ref. Jma/Gscho	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

In the oral proceedings of Aug. 3rd 199, the Opposition Division has decided:

The European Patent No. 0620115 is being revoked.

☐ Additional decision:

The grounds for the decision are enclosed.

INSTRUCTIONS ON THE RIGHTS TO APPEAL

An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:
THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
☒ Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
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D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Aug. 25th 1999

Ref. 1P3.0620115 OPPO 01	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

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The grounds for the decision are enclosed.

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OPPOSITION DIVISION:

THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
☒ Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
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I. Statement of facts and motions

1. European Patent No.: 0 620 115
Application No.: 94103832.5
Application date: March 12th 1994
Priority: April 4th 1993
DE 9305552
Publication of application: October 19th 1994
Patentblatt 1994/42
Disclosure of patent granting: April 23rd 1997
Patentblatt 1997/17

Proprietor: MAN Roland Druckmaschinen AG
D-63075 Offenbach (DE)

Title: Einrichtung for Inline-Beschichten von
Bedruckstoffen in Offsetdruckmaschinen.¹
2. Opponents: Koenig & Bauer Aktiengesellschaft
Friedrich-Koenig-Strasse 4
D-97080 Würzburg (DE)

Opposition filed: January 22nd 1998
by letter dated: January 20th 1998
3. Motions and development of the opposition proceedings
- 3.1 Opponents:
- 3.1.1 a) In his letter dated Jan. 20th 1998, the opponent requests the revocation of the patent in the granted version in its entirety, pursuant to article 102(1) EPC based on article 100a) EPC in combination with articles 52(1) and 56 EPC (Inventive step)
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.

¹ Device for inline coating of materials to be printed in offset printing presses. (The Translator)

- 3.1.2 In his letter dated July 14th 1998, the opponent upheld his previous motions, and presented additional arguments relating to the aforesaid state of the art.
- 3.2 Proprietor
- 3.2.1 In his letter dated May 5th 1998 the proprietor requested the upholding of the contested patent in unmodified form, and the dismissal of the opposition pursuant to article 102(2) EPC.
- 3.2.2 a) In his letter dated August 8th 1998, the proprietor presented additional arguments relating to his motions already at hand.
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.
- 3.3 Opposition Division
In a communication pursuant to article 101(2) EPC and rules 58(1) to (4) EPC dated October 10th 1998, the Opposition division, in an interlocutory opinion on the patent subject matter, invited further statements of opinion from the two parties.
- 3.4 Proprietor
In a letter dated December 14th 1998, the proprietor renewed the motions he already had made, and presented further arguments relating to the aforesaid state of the art.
- 3.5 Opponent
In a letter dated February 10th 1999, the opponent upheld his previous motions, and submitted additional documents relating to the state of the art.
- 3.6 Proprietor
In a letter dated March 2nd 1999, the proprietor again upheld his previous motions.

³ "To push for gold, all depends on gold ..." (The Translator)

an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) that is connected to a feed pump for liquid feed and a suction pump for liquid return,

whereby a coating unit is arranged directly or indirectly after the flexo print unit, and whereby in the coating unit (7) an applicator roller (14) is provided to form a common metering slot together with an associated metering roller (13)."

4.2 The dependent claims 2 to 4 in the granted version relate to favored embodiments of the subject matter of claim 1.

5. The opponent and the proprietor list the following publications related to the state of the art.

5.1 K1 = copy from the magazine "*Offsetpraxis*", 3/1993, pages 12-15

K1a = Enlargement of an illustration of copy K1

K2 = US-A-5 176 077

K3 = Copy from the reference book: "*Flexodruck von A bis Z*"⁴, Cover page, masthead, page 160

K4 = "*Druckindustrie*" 9001 ST. Gallen, No. 5, Mar. 11th 1993, "*Nach Golde drängt, am Golde hängt doch alles ...*", Title page, masthead, pages 22 and 23

K5 = DE-A-4 122 990

K6 = EP-A-0 499 382

K7 = Magazine: "*FlexoDruck*", 2-93, pages 42-43, "*Goldlackdruck löst Metall-Bronzierung ab*"⁵.

5.2 The Opposition Division hereby determines that the documents K4, K5, and K6 were first mentioned by the opponent in a letter dated June 30th 1999, only after the end of the period for entering an opposition pursuant to article 99(1) EPC.

5.3 The Opposition Division also determines that the document K7 was mentioned by the proprietor for the first time in these opposition proceedings during the oral proceedings.

⁴ "Flexo printing from A to Z" (The Translator)

⁵ "Gold coat printing replaces metallic bronzing" (The Translator)

II Grounds for the decision:

1. Admissibility

1.1 All aforesaid grounds for opposition relating to inventive steps pursuant to article 56 EPC are admissible, since they comply with all requirements of articles 99(1) and 100 EPC as well as of rules 1(1) and 55 EPC.

1.2 The objections presented by the opposition in the course of the oral proceedings with respect to the clarity of the independent claim 1, as well as to the object definition of the granted version within the meaning of article 84 EPC, are not admissible in the opinion of the Opposition Division, since such faults do not constitute grounds for opposition within the meaning of article 100 EPC. Thus a more detailed statement of opinion is not required here.

1.3 All the documents K1 to K7 mentioned in the opposition proceedings comply with the regulations of article 54(2) EPC. The opinion that was already stated earlier in the interlocutory opinion of the Opposition Division of April 27th 1999, stating that the documents K1 and K1a fulfill the conditions of article 54(2) EPC, was not disputed by the proprietor.

1.4 Documents submitted or mentioned with delay:

1.4.1 Documents K4 and K6

Since the proprietor did not raise any objections against taking the publications listed below into consideration, and the Opposition Division is of the opinion that these documents are pertinent in the assessment of the question of the inventive step of claim 1 pursuant to article 56 EPC, the Opposition Division decided to admit these documents into the present opposition proceedings for decision making.

The document K4 does not represent any further independent state of the art with respect to the documents mentioned for the first time, but only serves to further clarify the technical teaching of document K1.

T042307 9575760

1.4.2 Documents K5 and K7:

The document K5, which was mentioned by the opponent only after the end of the period for entering an opposition pursuant to article 99(1) EPC, and the document K7 mentioned first by the proprietor during the oral proceedings, are already listed in the specification of the disputed patent: column 1, lines 7 to 16 and lines 30 to 38. Due to this, the Opposition Division takes the two documents K5 and K7 into consideration in the decision making in the present opposition proceedings.

2. Novelty:

The examination of the published state of the art has convinced the Opposition Division that the subject matter of the independent claim 1 is novel within the meaning of article 54 EPC. None of the documents, which are mentioned in the opposition proceedings, by itself discloses the features of the independent claim 1. Since this fact is not a matter of contention, a detailed substantiation is not required here.

3. Inventive step

3.1 In the opinion of the Opposition Division, the subject matter of the independent claim 1 does not contain any inventive step within the meaning of article 56 EPC.

3.2 After careful examination of all documents involved in the opposition proceedings, the Opposition Division reaches the conclusion, in agreement with the opponent, that the document K1 (magazine: "*Offsetpraxis*") is to be seen as the closest related state of the art.

3.3 Documents K1, K1a, K4, and K7:

3.3.1 Based on the agreeing opinion of both parties, the Opposition Division determines that the following feature of the contested claim 1 is already described in document K1:

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T04259-96/EST/60

“Device in a rotary printing press for multi-color offset printing for coating materials to be printed with at least two coating units, whereby each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit, upstream with respect to the sheet running direction ... is constructed, whereby ... a coating unit (7) is arranged directly or indirectly downstream, and whereby in the coating unit (7) an applicator roller (14) is provided, which is associated with an adjustable metering roller (13) to form a common metering slot.”

The opponent could give *prima facie* evidence, that the multi-color offset rotary printing press “Fünffarben Roland 700”, which is illustrated explicitly in the document K1, e.g. by means of a schematic drawing on page 13, also see document K1a, and which was presented to experts during the course of a so-called presentation in the Druckerei Busche in Dortmund (DE), contained two coating units, both of which were constructed with one form cylinder and a double-roller unit as a metering system for coating.

The same special embodiment of the presented printing press is seen in the schematic drawing in document K4.

3.3.2

Contrary to the argument by the proprietor, in addition to this, the document K1 discloses to a person skilled in the art the following, additional features of the contested claim 1:

“... the coating unit, upstream with respect to the sheet running direction, is executed as a flexo print unit, whereby the flexo print unit consists of the following elements:

a relief form carrying form cylinder (10.1), which is in contact with the impression cylinder, an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) ... whereby a coating unit (7) is located downstream of the flexo print unit ...

T. 04.07.99 15:43:16

Even if the actually presented multi-color offset printing press did not possess a coating tower with flexo printing plate and doctor blade chamber, every person skilled in the art can learn explicitly from the text of each of the submitted documents K1, K4, and K7, that it is possible to apply a special gold- or silver printing ink, which is based on an aqueous fixing agent or is water-soluble, onto a material to be printed by means of a flexo printing plate, see for example document K1, page 13, left column, second paragraph – page 14, right column, document K4, page 22, right column, penultimate paragraph – page 23, right column line 4, as well as document K7, page 42, left column, first paragraph, middle column, second paragraph, and page 43, middle column, first paragraph.

3.3.3

In addition, each of the documents K1 and K7 describes a doctor blade chamber system with anilox roller as an ink feed system for the plate cylinder that is equipped with a flexo printing plate. In particular from Document K7, a person skilled in the art obtains the statement that the final version of the presented multi-color offset printing press will comprise an anilox roller and a doctor blade chamber system, which was not installed in the actually presented machine only due to time limitations, see document K7, page 43, middle column, first paragraph. Document K4 only discloses a short inking attachment with anilox roller.

3.3.4

Both documents K1 and K4 directly and unambiguously state that at first the gold- or silver printing ink on a water basis is applied to the material to be printed by flexo printing, and only afterwards, i.e. downstream in sheet running direction, a conventional coating unit, i.e. e.g. as installed in the presented printing press, is used to apply a so-called overprint coating or dispersion coating, see for example document K1, page 14, middle column, last paragraph, and document K4, page 22, right column, penultimate paragraph, and page 23, left column, second paragraph, and right column, first paragraph. Document K7 does not state anything relevant to this matter.

3.3.5

In consideration of the arguments presented by both parties, the subject matter of the independent claim 1 is different from the technical teaching of document K1 only in the following features:

(a) "...doctor blade chamber (12), which is connected with a feed pump for liquid feed and with a suction pump for liquid return ..."

3.4 Thus, the published state of the art defines the problem of enabling the inline processing of quickly-evaporating, aqueous printing inks or printing coats with high pigment content or rough pigments in a simple manner, see patent specification, column 1, lines 47-51.

3.5 Based on the disclosure of document K1 illustrated above, the Opposition Division sides with the opinion of the opponent, that the object of the disputed patent is to improve the per se known doctor blade chamber system with anilox roller in such a way, so that a problem free transport of aforesaid special printing inks or printing coats can take place within the per se known doctor blade chamber system of a per se known flexo print unit within a multi-color offset rotary printing press.

3.6 Documents K2 and K6:

3.6.1

Both, the document K2, see e.g. column 2, lines 22-38, column 8, lines 37-52 and figures 1 and 2, and the document K6, see e.g. column 2, lines 3 –10, column 7, line 42 – column 8, line 14, and figures 1 and 2, not only clearly and directly described the feature (a) of the contested claim 1, which was mentioned above in item II 3.3.5, but also the exact reason why a feed pump is provided for liquid feed, and a suction pump is provided for liquid return.

Both of the known devices must be suitable for the problem-free transport of aqueous, quickly evaporating flexo printing inks, whereby document K6 explicitly names pigment particles in inks or coatings of that type.

3.6.2

In view of the above mentioned object it is evidently obvious for a person skilled in the art to either install the ink pumps according to document K2, or the ink pumps according to document K6, into the doctor blade chamber system according to document K1, since he can learn from each of the two documents K2 and K6 independently how the aforesaid special problematic printing inks can be transported problem-free within the doctor blade chamber system. Hereby it is irrelevant for the present definition of the object, whether one deals with a pure flexo printing press without reference to an offset printing press as in document K6, or, as in document K2, with a flexo printing plate cylinder with the added function of a sheet transport cylinder or a type of satellite printing unit with respect to the counter pressure cylinder "(36)" of figures 1 and 2 of K2. Contrary to the arguments of the proprietor, the Opposition Division can not see how a person skilled in the art could be led away from the contested invention by the technical teaching of the documents K2 or K6. Through the identical problem definition in K2 and in K6 with respect to the stated problem definition of the disputed patent, the person skilled in the art almost receives a direct tip to install the ink pumps described in K2 and K6 to solve his task in the doctor blade chamber system inside a multi-color offset printing press of document K1.

3.6.3

Thus, the subject matter of the contested claim 1 follows in a manner that is obvious to a person skilled in the art.

3.7

Thus, the Opposition Division reaches the conclusion, that the subject matter of the independent claim 1 of the disputed patent with respect to the published state of the art, in particular with respect to a combination of the document K1, combined either with the document K2 or combined with the document K6, does contain **no inventive step** in the sense of article 56 EPC.

3.8 The Opposition Division considers the remaining documents K3 and K5 mentioned in the course of the opposition proceedings as less relevant for the assessment of an inventive step, and cannot show a lack of an inventive step of the independent claim 1 by either considering each of the documents on its own, or by considering them in any combinations with each other, or with the other documents K1, K2, K4, K6, and K6, which were mentioned in the opposition proceedings.

3.9 Dependent claims 2-4:

In view of the present lack of an inventive step of the independent claim 1, and the fact that no motion by the proprietor is at hand to include any features of any dependent claim into the independent claim, there exists no need for a careful examination of the inventive steps of the claims 2 – 4 in question.

6. The opponent and the proprietor were given the opportunity to express their opinion in the sense of article 113(1) EPC with respect to all grounds on which the present decision is based.

7. Since the independent claim 1 in the granted version of the disputed European patent No. 0 620 115 does not meet the requirements of articles 52 and 56 EPC (Inventive step), due to the above mentioned grounds, the European patent had to be revoked in the sense of article 102(1) EPC.

European Patent Office
DG2 – Opposition

Application No. 94 103 832.5

Patent No. EP-B-0620115

Minutes of the oral proceedings before the Opposition Division

The proceedings were open to the public.

The proceedings started at 10 am on Aug. 3rd 1999

Members of the Opposition Division:

Chairperson: THORMAEHLEN I A C

1. Member: GREINER E F

2. Member: AXTERS M E

Recorder of minutes: AXTERS M E

Present as/for the involved parties:

• RICHTER
For proprietor: MAN Roland Druckmaschinen AG
Accompanied by: STAHL

• STIEL
For opponent 1: KOENIG & BAUER Aktiengesellschaft

The essential progress of the oral proceedings and a material statement of the involved parties are presented in the enclosure (EPA form 2906)

- After the Opposition Division's deliberations, the chairperson announced the following decision:

"The European patent is revoked"

The involved parties were informed that the minutes of the oral proceedings, as well as the written grounds of the decision including instructions on the rights to appeal would be served immediately.

The chairperson closed the proceedings at 11:30 am on Aug. 3rd 1999

/signature/
THORMAELEN I A C
Chairperson

/signature/
AXTERS M E
Recorder of minutes

Enclosure(s): Minutes (Form 2906)

94 103 832.5

Appendix to the minutes of the oral proceedings

The proceedings opened at 10 am.

The motions of the parties from the written proceedings were upheld unaltered.

The chairperson declared that it would be decided in the course of the proceedings whether the documents K4 ("*Druckindustrie*" 9001 St. Gallen, Nr. 5, March 11th 1993, "*Nach Golde drängt, am Golde hängt doch alles ...*", Title page, masthead, pages 22-23), K5 (DE-A-4 122 990), and K6 (EP-A-0 499 382), which were submitted later, would be taken into consideration in the opposition proceedings pursuant to article 114(1) EPC.

It followed a discussion on the inventive step of the granted claim 1, which was based on the teachings of documents K1 (copy from the magazine "*Offsetpraxis*", 3/1993, pages 12-15), K2 (US-A-5 176 077), K4, K5, and K6. Furthermore, the proprietor mentioned the document K7 (Magazine *FlexoDruck*, 2-93, pages 42-43), which is cited in the specification of the disputed patent.

In the course of the discussion the opponent still found fault with the clarity of parts of claims 1, as well as with the definition of the object.

Upon inquiry by the chairperson, the parties filed no further motions.

The proceedings were interrupted between 11:00 am and 11:29 am for the deliberation of the Opposition Division.

The chairwoman informed the parties that the documents K4, K5, and K6 are included in the proceedings, that the objections relating to clarity to not constitute an admissible ground for opposition pursuant to article 100 EPC, and announced the decision that the patent will be revoked pursuant to article 102(1) EPC.

The proceedings concluded at 11:30 am.

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

September 20, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 19"

Notice of Revocation and text of Decision to Revoke

Ch. König

(Christian König)

Page 1 of Tab 19 is tri-lingual. (The translator)

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EPA/EPO/OEB
D-80298 München
Tel 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Aug. 25th 1999

Ref. Jma/Gscho	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

In the oral proceedings of Aug. 3rd 199, the Opposition Division has decided:

The European Patent No. 0620115 is being revoked.

☐ Additional decision:

The grounds for the decision are enclosed.

INSTRUCTIONS ON THE RIGHTS TO APPEAL

An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:

THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
☒ Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
94103832.5	REVO +	D40		
	ORAL	9	Aug. 20 '99 MM	

EPA/EPO/OEB
D-80298 München
Tel 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Aug. 25th 1999

Ref. 1P3.0620115 OPPO 01	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

In the oral proceedings of Aug. 3rd 199, the Opposition Division has decided:

The European Patent No. 0620115 is being revoked.

☐ Additional decision:

The grounds for the decision are enclosed.

INSTRUCTIONS ON THE RIGHTS TO APPEAL

An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:

THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
[x] Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
94103832.5	REVO			

I. Statement of facts and motions

1. European Patent No.: 0 620 115
Application No.: 94103832.5
Application date: March 12th 1994
Priority: April 4th 1993
DE 9305552
Publication of application: October 19th 1994
Patentblatt 1994/42
Disclosure of patent granting: April 23rd 1997
Patentblatt 1997/17

Proprietor: MAN Roland Druckmaschinen AG
D-63075 Offenbach (DE)

Title: Einrichtung for Inline-Beschichten von
Bedruckstoffen in Offsetdruckmaschinen.¹
2. Opponents: Koenig & Bauer Aktiengesellschaft
Friedrich-Koenig-Strasse 4
D-97080 Würzburg (DE)

Opposition filed: January 22nd 1998
by letter dated: January 20th 1998
3. Motions and development of the opposition proceedings
- 3.1 Opponents:
- 3.1.1 a) In his letter dated Jan. 20th 1998, the opponent requests the revocation of the patent in the granted version in its entirety, pursuant to article 102(1) EPC based on article 100a) EPC in combination with articles 52(1) and 56 EPC (Inventive step)
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.

¹ Device for inline coating of materials to be printed in offset printing presses. (The Translator)

3.1.2 In his letter dated July 14th 1998, the opponent upheld his previous motions, and presented additional arguments relating to the aforesaid state of the art.

3.2 Proprietor

3.2.1 In his letter dated May 5th 1998 the proprietor requested the upholding of the contested patent in unmodified form, and the dismissal of the opposition pursuant to article 102(2) EPC.

3.2.2 a) In his letter dated August 8th 1998, the proprietor presented additional arguments relating to his motions already at hand.

b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.

3.3 Opposition Division

In a communication pursuant to article 101(2) EPC and rules 58(1) to (4) EPC dated October 10th 1998, the Opposition division, in an interlocutory opinion on the patent subject matter, invited further statements of opinion from the two parties.

3.4 Proprietor

In a letter dated December 14th 1998, the proprietor renewed the motions he already had made, and presented further arguments relating to the aforesaid state of the art.

3.5 Opponent

In a letter dated February 10th 1999, the opponent upheld his previous motions, and submitted additional documents relating to the state of the art.

3.6 Proprietor

In a letter dated March 2nd 1999, the proprietor again upheld his previous motions.

3.7 Opposition Division
Summons for the 27th April 1999 for oral proceedings pursuant to rules 71(1) and 71A EPC, combined with a further interlocutory opinion on the subject matter of the patent.

3.8 In his letter dated June 30th 1999, the opponent again upheld his previous motions, and requested for the first time to include the following documents into the opposition proceedings, in particular to take them into consideration for the assessment of inventive steps:

K4 = "*Druckindustrie*"² 9001 St. Gallen, No. 5 Mar. 11th 1993 "*Nach Golde drängt, am Golde hängt doch alles ...*"³, Title page, masthead, pages 22 and 23

K5 = DE-A-4 122 990

K6 = EP-A-0 499 382

3.9 The oral proceedings took place on August 3rd 1999. The course of the proceedings can be obtained from the minutes. Towards the end, the chairperson announced the decision to revoke the patent pursuant to article 102(1) EPC.

4. The decision is based on the following documents:

4.1 The independent claim 1 in the granted version has the following text:

"1. Device in a rotary printing press for multi-color offset printing for coating material to be printed with at least two coating units, wherein each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit that is upstream, in sheet running direction, is constructed as a flexo print unit (6), whereby the flexo print unit consists of the following elements:

a form cylinder (10.1) that carries a relief form and is in contact with the impression cylinder (8.1),

² "Printing trade" (The Translator)

³ "To push for gold, all depends on gold ..." (The Translator)

an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) that is connected to a feed pump for liquid feed and a suction pump for liquid return,

whereby a coating unit is arranged directly or indirectly after the flexo print unit, and whereby in the coating unit (7) an applicator roller (14) is provided to form a common metering slot together with an associated metering roller (13)."

- 4.2 The dependent claims 2 to 4 in the granted version relate to favored embodiments of the subject matter of claim 1.
5. The opponent and the proprietor list the following publications related to the state of the art.
 - 5.1 K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15
K1a = Enlargement of an illustration of copy K1
K2 = US-A-5 176 077
K3 = Copy from the reference book: "Flexodruck von A bis Z", Cover page, masthead, page 160
K4 = "Druckindustrie" 9001 ST. Gallen, No. 5, Mar. 11th 1993, "Nach Golde drängt, am Golde hängt doch alles ...", Title page, masthead, pages 22 and 23
K5 = DE-A-4 122 990
K6 = EP-A-0 499 382
K7 = Magazine: "FlexoDruck", 2-93, pages 42-43, "Goldlackdruck löst Metall-Bronzierung ab"⁵.
 - 5.2 The Opposition Division hereby determines that the documents K4, K5, and K6 were first mentioned by the opponent in a letter dated June 30th 1999, only after the end of the period for entering an opposition pursuant to article 99(1) EPC.
 - 5.3 The Opposition Division also determines that the document K7 was mentioned by the proprietor for the first time in these opposition proceedings during the oral proceedings.

⁴ "Flexo printing from A to Z" (The Translator)

⁵ "Gold coat printing replaces metallic bronzing" (The Translator)

II Grounds for the decision:

1. Admissibility

1.1 All aforesaid grounds for opposition relating to inventive steps pursuant to article 56 EPC are admissible, since they comply with all requirements of articles 99(1) and 100 EPC as well as of rules 1(1) and 55 EPC.

1.2 The objections presented by the opposition in the course of the oral proceedings with respect to the clarity of the independent claim 1, as well as to the object definition of the granted version within the meaning of article 84 EPC, are not admissible in the opinion of the Opposition Division, since such faults do not constitute grounds for opposition within the meaning of article 100 EPC. Thus a more detailed statement of opinion is not required here.

1.3 All the documents K1 to K7 mentioned in the opposition proceedings comply with the regulations of article 54(2) EPC. The opinion that was already stated earlier in the interlocutory opinion of the Opposition Division of April 27th 1999, stating that the documents K1 and K1a fulfill the conditions of article 54(2) EPC, was not disputed by the proprietor.

1.4 Documents submitted or mentioned with delay:

1.4.1 Documents K4 and K6

Since the proprietor did not raise any objections against taking the publications listed below into consideration, and the Opposition Division is of the opinion that these documents are pertinent in the assessment of the question of the inventive step of claim 1 pursuant to article 56 EPC, the Opposition Division decided to admit these documents into the present opposition proceedings for decision making.

The document K4 does not represent any further independent state of the art with respect to the documents mentioned for the first time, but only serves to further clarify the technical teaching of document K1.

TECHNICAL STAFF

1.4.2 Documents K5 and K7:

The document K5, which was mentioned by the opponent only after the end of the period for entering an opposition pursuant to article 99(1) EPC, and the document K7 mentioned first by the proprietor during the oral proceedings, are already listed in the specification of the disputed patent: column 1, lines 7 to 16 and lines 30 to 38. Due to this, the Opposition Division takes the two documents K5 and K7 into consideration in the decision making in the present opposition proceedings.

2. Novelty:

The examination of the published state of the art has convinced the Opposition Division that the subject matter of the independent claim 1 is novel within the meaning of article 54 EPC. None of the documents, which are mentioned in the opposition proceedings, by itself discloses the features of the independent claim 1. Since this fact is not a matter of contention, a detailed substantiation is not required here.

3. Inventive step

3.1 In the opinion of the Opposition Division, the subject matter of the independent claim 1 does not contain any inventive step within the meaning of article 56 EPC.

3.2 After careful examination of all documents involved in the opposition proceedings, the Opposition Division reaches the conclusion, in agreement with the opponent, that the document K1 (magazine: "*Offsetpraxis*") is to be seen as the closest related state of the art.

3.3 Documents K1, K1a, K4, and K7:

3.3.1 Based on the agreeing opinion of both parties, the Opposition Division determines that the following feature of the contested claim 1 is already described in document K1:

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“Device in a rotary printing press for multi-color offset printing for coating materials to be printed with at least two coating units, whereby each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit, upstream with respect to the sheet running direction ... is constructed, whereby ... a coating unit (7) is arranged directly or indirectly downstream, and whereby in the coating unit (7) an applicator roller (14) is provided, which is associated with an adjustable metering roller (13) to form a common metering slot.”

The opponent could give *prima facie* evidence, that the multi-color offset rotary printing press “Fünffarben Roland 700”, which is illustrated explicitly in the document K1, e.g. by means of a schematic drawing on page 13, also see document K1a, and which was presented to experts during the course of a so-called presentation in the Druckerei Busche in Dortmund (DE), contained two coating units, both of which were constructed with one form cylinder and a double-roller unit as a metering system for coating.

The same special embodiment of the presented printing press is seen in the schematic drawing in document K4.

3.3.2

Contrary to the argument by the proprietor, in addition to this, the document K1 discloses to a person skilled in the art the following, additional features of the contested claim 1:

“... the coating unit, upstream with respect to the sheet running direction, is executed as a flexo print unit, whereby the flexo print unit consists of the following elements:

a relief form carrying form cylinder (10.1), which is in contact with the impression cylinder, an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) ... whereby a coating unit (7) is located downstream of the flexo print unit ...

94 103 832.5

Even if the actually presented multi-color offset printing press did not possess a coating tower with flexo printing plate and doctor blade chamber, every person skilled in the art can learn explicitly from the text of each of the submitted documents K1, K4, and K7, that it is possible to apply a special gold- or silver printing ink, which is based on an aqueous fixing agent or is water-soluble, onto a material to be printed by means of a flexo printing plate, see for example document K1, page 13, left column, second paragraph – page 14, right column, document K4, page 22, right column, penultimate paragraph – page 23, right column line 4, as well as document K7, page 42, left column, first paragraph, middle column, second paragraph, and page 43, middle column, first paragraph.

3.3.3

In addition, each of the documents K1 and K7 describes a doctor blade chamber system with anilox roller as an ink feed system for the plate cylinder that is equipped with a flexo printing plate. In particular from Document K7, a person skilled in the art obtains the statement that the final version of the presented multi-color offset printing press will comprise an anilox roller and a doctor blade chamber system, which was not installed in the actually presented machine only due to time limitations, see document K7, page 43, middle column, first paragraph. Document K4 only discloses a short inking attachment with anilox roller.

3.3.4

Both documents K1 and K4 directly and unambiguously state that at first the gold- or silver printing ink on a water basis is applied to the material to be printed by flexo printing, and only afterwards, i.e. downstream in sheet running direction, a conventional coating unit, i.e. e.g. as installed in the presented printing press, is used to apply a so-called overprint coating or dispersion coating, see for example document K1, page 14, middle column, last paragraph, and document K4, page 22, right column, penultimate paragraph, and page 23, left column, second paragraph, and right column, first paragraph. Document K7 does not state anything relevant to this matter.

3.3.5

In consideration of the arguments presented by both parties, the subject matter of the independent claim 1 is different from the technical teaching of document K1 only in the following features:

(a) "...doctor blade chamber (12), **which is connected with a feed pump for liquid feed and with a suction pump for liquid return ...**"

3.4

Thus, the published state of the art defines the problem of enabling the inline processing of quickly-evaporating, aqueous printing inks or printing coats with high pigment content or rough pigments in a simple manner, see patent specification, column 1, lines 47-51.

3.5

Based on the disclosure of document K1 illustrated above, the Opposition Division sides with the opinion of the opponent, that the object of the disputed patent is to improve the per se known doctor blade chamber system with anilox roller in such a way, so that a problem free transport of aforesaid special printing inks or printing coats can take place within the per se known doctor blade chamber system of a per se known flexo print unit within a multi-color offset rotary printing press.

3.6

Documents K2 and K6:

3.6.1

Both, the document K2, see e.g. column 2, lines 22-38, column 8, lines 37-52 and figures 1 and 2, and the document K6, see e.g. column 2, lines 3 -10, column 7, line 42 - column 8, line 14, and figures 1 and 2, not only clearly and directly described the feature (a) of the contested claim 1, which was mentioned above in item II 3.3.5, but also the exact reason why a feed pump is provided for liquid feed, and a suction pump is provided for liquid return.

Both of the known devices must be suitable for the problem-free transport of aqueous, quickly evaporating flexo printing inks, whereby document K6 explicitly names pigment particles in inks or coatings of that type.

TECHNICAL

3.6.2

In view of the above mentioned object it is evidently obvious for a person skilled in the art to either install the ink pumps according to document K2, or the ink pumps according to document K6, into the doctor blade chamber system according to document K1, since he can learn from each of the two documents K2 and K6 independently how the aforesaid special problematic printing inks can be transported problem-free within the doctor blade chamber system. Hereby it is irrelevant for the present definition of the object, whether one deals with a pure flexo printing press without reference to an offset printing press as in document K6, or, as in document K2, with a flexo printing plate cylinder with the added function of a sheet transport cylinder or a type of satellite printing unit with respect to the counter pressure cylinder "(36)" of figures 1 and 2 of K2. Contrary to the arguments of the proprietor, the Opposition Division can not see how a person skilled in the art could be led away from the contested invention by the technical teaching of the documents K2 or K6. Through the identical problem definition in K2 and in K6 with respect to the stated problem definition of the disputed patent, the person skilled in the art almost receives a direct tip to install the ink pumps described in K2 and K6 to solve his task in the doctor blade chamber system inside a multi-color offset printing press of document K1.

3.6.3

Thus, the subject matter of the contested claim1 follows in a manner that is obvious to a person skilled in the art.

3.7

Thus, the Opposition Division reaches the conclusion, that the subject matter of the independent claim 1 of the disputed patent with respect to the published state of the art, in particular with respect to a combination of the document K1, combined either with the document K2 or combined with the document K6, does contain **no inventive step** in the sense of article 56 EPC.

3.8 The Opposition Division considers the remaining documents K3 and K5 mentioned in the course of the opposition proceedings as less relevant for the assessment of an inventive step, and cannot show a lack of an inventive step of the independent claim 1 by either considering each of the documents on its own, or by considering them in any combinations with each other, or with the other documents K1, K2, K4, K6, and K6, which were mentioned in the opposition proceedings.

3.9 Dependent claims 2-4:

In view of the present lack of an inventive step of the independent claim 1, and the fact that no motion by the proprietor is at hand to include any features of any dependent claim into the independent claim, there exists no need for a careful examination of the inventive steps of the claims 2 – 4 in question.

6. The opponent and the proprietor were given the opportunity to express their opinion in the sense of article 113(1) EPC with respect to all grounds on which the present decision is based.

7. Since the independent claim 1 in the granted version of the disputed European patent No. 0 620 115 does not meet the requirements of articles 52 and 56 EPC (Inventive step), due to the above mentioned grounds, the European patent had to be revoked in the sense of article 102(1) EPC.

European Patent Office
DG2 – Opposition

Application No. 94 103 832.5

Patent No. EP-B-0620115

Minutes of the oral proceedings before the Opposition Division

The proceedings were open to the public.

The proceedings started at 10 am on Aug. 3rd 1999

Members of the Opposition Division:

Chairperson: THORMAEHLEN I A C
1. Member: GREINER E F
2. Member: AXTERS M E

Recorder of minutes: AXTERS M E

Present as/for the involved parties:

- RICHTER
For proprietor: MAN Roland Druckmaschinen AG
Accompanied by: STAHL
- STIEL
For opponent 1: KOENIG & BAUER Aktiengesellschaft

The essential progress of the oral proceedings and a material statement of the involved parties are presented in the enclosure (EPA form 2906)

- After the Opposition Division's deliberations, the chairperson announced the following decision:

"The European patent is revoked"

The involved parties were informed that the minutes of the oral proceedings, as well as the written grounds of the decision including instructions on the rights to appeal would be served immediately.

The chairperson closed the proceedings at 11:30 am on Aug. 3rd 1999

/signature/
THORMAELEN I A C
Chairperson

/signature/
AXTERS M E
Recorder of minutes

Enclosure(s): Minutes (Form 2906)

2025-08-03 11:30

Appendix to the minutes of the oral proceedings

The proceedings opened at 10 am.

The motions of the parties from the written proceedings were upheld unaltered.

The chairperson declared that it would be decided in the course of the proceedings whether the documents K4 ("*Druckindustrie*" 9001 St. Gallen, Nr. 5, March 11th 1993, "*Nach Golde drängt, am Golde hängt doch alles ...*", Title page, masthead, pages 22-23), K5 (DE-A-4 122 990), and K6 (EP-A-0 499 382), which were submitted later, would be taken into consideration in the opposition proceedings pursuant to article 114(1) EPC.

It followed a discussion on the inventive step of the granted claim 1, which was based on the teachings of documents K1 (copy from the magazine "*Offsetpraxis*", 3/1993, pages 12-15), K2 (US-A-5 176 077), K4, K5, and K6. Furthermore, the proprietor mentioned the document K7 (Magazine *FlexoDruck*, 2-93, pages 42-43), which is cited in the specification of the disputed patent.

In the course of the discussion the opponent still found fault with the clarity of parts of claims 1, as well as with the definition of the object.

Upon inquiry by the chairperson, the parties filed no further motions.

The proceedings were interrupted between 11:00 am and 11:29 am for the deliberation of the Opposition Division.

The chairwoman informed the parties that the documents K4, K5, and K6 are included in the proceedings, that the objections relating to clarity do not constitute an admissible ground for opposition pursuant to article 100 EPC, and announced the decision that the patent will be revoked pursuant to article 102(1) EPC.

The proceedings concluded at 11:30 am.

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

September 20, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 19"

Notice of Revocation and text of Decision to Revoke

Ch. König

(Christian König)

0915-0915-0915

Page 1 of Tab 19 is tri-lingual. (The translator)

00117-96-0000401

EPA/EPO/OEB
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Aug. 25th 1999

Ref. Jma/Gscho	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

In the oral proceedings of Aug. 3rd 199, the Opposition Division has decided:

The European Patent No. 0620115 is being revoked.

☐ Additional decision:

The grounds for the decision are enclosed.

INSTRUCTIONS ON THE RIGHTS TO APPEAL

An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:

THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
[x] Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
94103832.5	REVO +	D40		
	ORAL	9	Aug. 20 '99 MM	

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D-80298 München
Tel 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Aug. 25th 1999

Ref. 1P3.0620115 OPPO 01	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

In the oral proceedings of Aug. 3rd 199, the Opposition Division has decided:

The European Patent No. 0620115 is being revoked.

☐ Additional decision:

The grounds for the decision are enclosed.

INSTRUCTIONS ON THE RIGHTS TO APPEAL

An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:

THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
☒ Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
94103832.5	REVO			

I. Statement of facts and motions

1. European Patent No.: 0 620 115
Application No.: 94103832.5
Application date: March 12th 1994
Priority: April 4th 1993
DE 9305552
Publication of application: October 19th 1994
Patentblatt 1994/42
Disclosure of patent granting: April 23rd 1997
Patentblatt 1997/17

Proprietor: MAN Roland Druckmaschinen AG
D-63075 Offenbach (DE)

Title: Einrichtung for Inline-Beschichten von
Bedruckstoffen in Offsetdruckmaschinen.¹
2. Opponents: Koenig & Bauer Aktiengesellschaft
Friedrich-Koenig-Strasse 4
D-97080 Würzburg (DE)

Opposition filed: January 22nd 1998
by letter dated: January 20th 1998
3. Motions and development of the opposition proceedings
- 3.1 Opponents:
- 3.1.1 a) In his letter dated Jan. 20th 1998, the opponent requests the revocation of the patent in the granted version in its entirety, pursuant to article 102(1) EPC based on article 100a) EPC in combination with articles 52(1) and 56 EPC (Inventive step)
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.

¹ Device for inline coating of materials to be printed in offset printing presses. (The Translator)

- 3.1.2 In his letter dated July 14th 1998, the opponent upheld his previous motions, and presented additional arguments relating to the aforesaid state of the art.
- 3.2 Proprietor
- 3.2.1 In his letter dated May 5th 1998 the proprietor requested the upholding of the contested patent in unmodified form, and the dismissal of the opposition pursuant to article 102(2) EPC.
- 3.2.2 a) In his letter dated August 8th 1998, the proprietor presented additional arguments relating to his motions already at hand.
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.
- 3.3 Opposition Division
In a communication pursuant to article 101(2) EPC and rules 58(1) to (4) EPC dated October 10th 1998, the Opposition division, in an interlocutory opinion on the patent subject matter, invited further statements of opinion from the two parties.
- 3.4 Proprietor
In a letter dated December 14th 1998, the proprietor renewed the motions he already had made, and presented further arguments relating to the aforesaid state of the art.
- 3.5 Opponent
In a letter dated February 10th 1999, the opponent upheld his previous motions, and submitted additional documents relating to the state of the art.
- 3.6 Proprietor
In a letter dated March 2nd 1999, the proprietor again upheld his previous motions.

TOP SECRET

- 3.7 Opposition Division
Summons for the 27th April 1999 for oral proceedings pursuant to rules 71(1) and 71A EPC, combined with a further interlocutory opinion on the subject matter of the patent.
- 3.8 In his letter dated June 30th 1999, the opponent again upheld his previous motions, and requested for the first time to include the following documents into the opposition proceedings, in particular to take them into consideration for the assessment of inventive steps:
- K4 = "*Druckindustrie*"² 9001 St. Gallen, No. 5 Mar. 11th 1993 "*Nach Golde drängt, am Golde hängt doch alles ...*"³, Title page, masthead, pages 22 and 23
 - K5 = DE-A-4 122 990
 - K6 = EP-A-0 499 382
- 3.9 The oral proceedings took place on August 3rd 1999. The course of the proceedings can be obtained from the minutes. Towards the end, the chairperson announced the decision to revoke the patent pursuant to article 102(1) EPC.
4. The decision is based on the following documents:
- 4.1 The independent claim 1 in the granted version has the following text:
"1. Device in a rotary printing press for multi-color offset printing for coating material to be printed with at least two coating units, wherein each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit that is upstream, in sheet running direction, is constructed as a flexo print unit (6), whereby the flexo print unit consists of the following elements:
a form cylinder (10.1) that carries a relief form and is in contact with the impression cylinder (8.1),

² "Printing trade" (The Translator)

³ "To push for gold, all depends on gold ..." (The Translator)

an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) that is connected to a feed pump for liquid feed and a suction pump for liquid return,

whereby a coating unit is arranged directly or indirectly after the flexo print unit, and whereby in the coating unit (7) an applicator roller (14) is provided to form a common metering slot together with an associated metering roller (13)."

4.2 The dependent claims 2 to 4 in the granted version relate to favored embodiments of the subject matter of claim 1.

5. The opponent and the proprietor list the following publications related to the state of the art.

5.1 K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15

K1a = Enlargement of an illustration of copy K1

K2 = US-A-5 176 077

K3 = Copy from the reference book: "Flexodruck von A bis Z"⁴, Cover page, masthead, page 160

K4 = "Druckindustrie" 9001 ST. Gallen, No. 5, Mar. 11th 1993, "Nach Golde drängt, am Golde hängt doch alles ...", Title page, masthead, pages 22 and 23

K5 = DE-A-4 122 990

K6 = EP-A-0 499 382

K7 = Magazine: "FlexoDruck", 2-93, pages 42-43, "Goldlackdruck löst Metall-Bronzierung ab"⁵.

5.2 The Opposition Division hereby determines that the documents K4, K5, and K6 were first mentioned by the opponent in a letter dated June 30th 1999, only after the end of the period for entering an opposition pursuant to article 99(1) EPC.

5.3 The Opposition Division also determines that the document K7 was mentioned by the proprietor for the first time in these opposition proceedings during the oral proceedings.

⁴ "Flexo printing from A to Z" (The Translator)

⁵ "Gold coat printing replaces metallic bronzing" (The Translator)

II Grounds for the decision:

1. Admissibility

- 1.1 All aforesaid grounds for opposition relating to inventive steps pursuant to article 56 EPC are admissible, since they comply with all requirements of articles 99(1) and 100 EPC as well as of rules 1(1) and 55 EPC.
- 1.2 The objections presented by the opposition in the course of the oral proceedings with respect to the clarity of the independent claim 1, as well as to the object definition of the granted version within the meaning of article 84 EPC, are not admissible in the opinion of the Opposition Division, since such faults do not constitute grounds for opposition within the meaning of article 100 EPC. Thus a more detailed statement of opinion is not required here.
- 1.3 All the documents K1 to K7 mentioned in the opposition proceedings comply with the regulations of article 54(2) EPC. The opinion that was already stated earlier in the interlocutory opinion of the Opposition Division of April 27th 1999, stating that the documents K1 and K1a fulfill the conditions of article 54(2) EPC, was not disputed by the proprietor.

1.4 Documents submitted or mentioned with delay:

1.4.1 Documents K4 and K6

Since the proprietor did not raise any objections against taking the publications listed below into consideration, and the Opposition Division is of the opinion that these documents are pertinent in the assessment of the question of the inventive step of claim 1 pursuant to article 56 EPC, the Opposition Division decided to admit these documents into the present opposition proceedings for decision making.

The document K4 does not represent any further independent state of the art with respect to the documents mentioned for the first time, but only serves to further clarify the technical teaching of document K1.

TITEL "364.61"

1.4.2 Documents K5 and K7:

The document K5, which was mentioned by the opponent only after the end of the period for entering an opposition pursuant to article 99(1) EPC, and the document K7 mentioned first by the proprietor during the oral proceedings, are already listed in the specification of the disputed patent: column 1, lines 7 to 16 and lines 30 to 38. Due to this, the Opposition Division takes the two documents K5 and K7 into consideration in the decision making in the present opposition proceedings.

2. Novelty:

The examination of the published state of the art has convinced the Opposition Division that the subject matter of the independent claim 1 is novel within the meaning of article 54 EPC. None of the documents, which are mentioned in the opposition proceedings, by itself discloses the features of the independent claim 1. Since this fact is not a matter of contention, a detailed substantiation is not required here.

3. Inventive step

3.1 In the opinion of the Opposition Division, the subject matter of the independent claim 1 does not contain any inventive step within the meaning of article 56 EPC.

3.2 After careful examination of all documents involved in the opposition proceedings, the Opposition Division reaches the conclusion, in agreement with the opponent, that the document K1 (magazine: "Offsetpraxis") is to be seen as the closest related state of the art.

3.3 Documents K1, K1a, K4, and K7:

3.3.1 Based on the agreeing opinion of both parties, the Opposition Division determines that the following feature of the contested claim 1 is already described in document K1:

“Device in a rotary printing press for multi-color offset printing for coating materials to be printed with at least two coating units, whereby each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit, upstream with respect to the sheet running direction ... is constructed, whereby ... a coating unit (7) is arranged directly or indirectly downstream, and whereby in the coating unit (7) an applicator roller (14) is provided, which is associated with an adjustable metering roller (13) to form a common metering slot.”

The opponent could give *prima facie* evidence, that the multi-color offset rotary printing press “Fünffarben Roland 700”, which is illustrated explicitly in the document K1, e.g. by means of a schematic drawing on page 13, also see document K1a, and which was presented to experts during the course of a so-called presentation in the Druckerei Busche in Dortmund (DE), contained two coating units, both of which were constructed with one form cylinder and a double-roller unit as a metering system for coating.

The same special embodiment of the presented printing press is seen in the schematic drawing in document K4.

3.3.2

Contrary to the argument by the proprietor, in addition to this, the document K1 discloses to a person skilled in the art the following, additional features of the contested claim 1:

“... the coating unit, upstream with respect to the sheet running direction, is executed as a flexo print unit, whereby the flexo print unit consists of the following elements:

a relief form carrying form cylinder (10.1), which is in contact with the impression cylinder, an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) ... whereby a coating unit (7) is located downstream of the flexo print unit ...

Even if the actually presented multi-color offset printing press did not possess a coating tower with flexo printing plate and doctor blade chamber, every person skilled in the art can learn explicitly from the text of each of the submitted documents K1, K4, and K7, that it is possible to apply a special gold- or silver printing ink, which is based on an aqueous fixing agent or is water-soluble, onto a material to be printed by means of a flexo printing plate, see for example document K1, page 13, left column, second paragraph – page 14, right column, document K4, page 22, right column, penultimate paragraph – page 23, right column line 4, as well as document K7, page 42, left column, first paragraph, middle column, second paragraph, and page 43, middle column, first paragraph.

3.3.3

In addition, each of the documents K1 and K7 describes a doctor blade chamber system with anilox roller as an ink feed system for the plate cylinder that is equipped with a flexo printing plate. In particular from Document K7, a person skilled in the art obtains the statement that the final version of the presented multi-color offset printing press will comprise an anilox roller and a doctor blade chamber system, which was not installed in the actually presented machine only due to time limitations, see document K7, page 43, middle column, first paragraph. Document K4 only discloses a short inking attachment with anilox roller.

3.3.4

Both documents K1 and K4 directly and unambiguously state that at first the gold- or silver printing ink on a water basis is applied to the material to be printed by flexo printing, and only afterwards, i.e. downstream in sheet running direction, a conventional coating unit, i.e. e.g. as installed in the presented printing press, is used to apply a so-called overprint coating or dispersion coating, see for example document K1, page 14, middle column, last paragraph, and document K4, page 22, right column, penultimate paragraph, and page 23, left column, second paragraph, and right column, first paragraph. Document K7 does not state anything relevant to this matter.

3.3.5

In consideration of the arguments presented by both parties, the subject matter of the independent claim 1 is different from the technical teaching of document K1 only in the following features:

(a) "...doctor blade chamber (12), **which is connected with a feed pump for liquid feed and with a suction pump for liquid return ...**"

3.4

Thus, the published state of the art defines the problem of enabling the inline processing of quickly-evaporating, aqueous printing inks or printing coats with high pigment content or rough pigments in a simple manner, see patent specification, column 1, lines 47-51.

3.5

Based on the disclosure of document K1 illustrated above, the Opposition Division sides with the opinion of the opponent, that the object of the disputed patent is to improve the per se known doctor blade chamber system with anilox roller in such a way, so that a problem free transport of aforesaid special printing inks or printing coats can take place within the per se known doctor blade chamber system of a per se known flexo print unit within a multi-color offset rotary printing press.

3.6

Documents K2 and K6:

3.6.1

Both, the document K2, see e.g. column 2, lines 22-38, column 8, lines 37-52 and figures 1 and 2, and the document K6, see e.g. column 2, lines 3-10, column 7, line 42 - column 8, line 14, and figures 1 and 2, not only clearly and directly described the feature (a) of the contested claim 1, which was mentioned above in item II 3.3.5, but also the exact reason why a feed pump is provided for liquid feed, and a suction pump is provided for liquid return.

Both of the known devices must be suitable for the problem-free transport of aqueous, quickly evaporating flexo printing inks, whereby document K6 explicitly names pigment particles in inks or coatings of that type.

T-04749-96-2560

3.6.2

In view of the above mentioned object it is evidently obvious for a person skilled in the art to either install the ink pumps according to document K2, or the ink pumps according to document K6, into the doctor blade chamber system according to document K1, since he can learn from each of the two documents K2 and K6 independently how the aforesaid special problematic printing inks can be transported problem-free within the doctor blade chamber system. Hereby it is irrelevant for the present definition of the object, whether one deals with a pure flexo printing press without reference to an offset printing press as in document K6, or, as in document K2, with a flexo printing plate cylinder with the added function of a sheet transport cylinder or a type of satellite printing unit with respect to the counter pressure cylinder "(36)" of figures 1 and 2 of K2. Contrary to the arguments of the proprietor, the Opposition Division can not see how a person skilled in the art could be led away from the contested invention by the technical teaching of the documents K2 or K6. Through the identical problem definition in K2 and in K6 with respect to the stated problem definition of the disputed patent, the person skilled in the art almost receives a direct tip to install the ink pumps described in K2 and K6 to solve his task in the doctor blade chamber system inside a multi-color offset printing press of document K1.

3.6.3

Thus, the subject matter of the contested claim 1 follows in a manner that is obvious to a person skilled in the art.

3.7

Thus, the Opposition Division reaches the conclusion, that the subject matter of the independent claim 1 of the disputed patent with respect to the published state of the art, in particular with respect to a combination of the document K1, combined either with the document K2 or combined with the document K6, does contain **no inventive step** in the sense of article 56 EPC.

- 3.8 The Opposition Division considers the remaining documents K3 and K5 mentioned in the course of the opposition proceedings as less relevant for the assessment of an inventive step, and cannot show a lack of an inventive step of the independent claim 1 by either considering each of the documents on its own, or by considering them in any combinations with each other, or with the other documents K1, K2, K4, K6, and K6, which were mentioned in the opposition proceedings.
- 3.9 Dependent claims 2-4:
- In view of the present lack of an inventive step of the independent claim 1, and the fact that no motion by the proprietor is at hand to include any features of any dependent claim into the independent claim, there exists no need for a careful examination of the inventive steps of the claims 2 – 4 in question.
6. The opponent and the proprietor were given the opportunity to express their opinion in the sense of article 113(1) EPC with respect to all grounds on which the present decision is based.
7. Since the independent claim 1 in the granted version of the disputed European patent No. 0 620 115 does not meet the requirements of articles 52 and 56 EPC (Inventive step), due to the above mentioned grounds, the European patent had to be revoked in the sense of article 102(1) EPC.

European Patent Office
DG2 – Opposition

Application No. 94 103 832.5

Patent No. EP-B-0620115

Minutes of the oral proceedings before the Opposition Division

The proceedings were open to the public.

The proceedings started at 10 am on Aug. 3rd 1999

Members of the Opposition Division:

Chairperson: THORMAEHLEN I A C
1. Member: GREINER E F
2. Member: AXTERS M E

Recorder of minutes: AXTERS M E

Present as/for the involved parties:

• RICHTER
For proprietor: MAN Roland Druckmaschinen AG
Accompanied by: STAHL

• STIEL
For opponent 1: KOENIG & BAUER Aktiengesellschaft

The essential progress of the oral proceedings and a material statement of the involved parties are presented in the enclosure (EPA form 2906)

- After the Opposition Division's deliberations, the chairperson announced the following decision:

"The European patent is revoked"

The involved parties were informed that the minutes of the oral proceedings, as well as the written grounds of the decision including instructions on the rights to appeal would be served immediately.

The chairperson closed the proceedings at 11:30 am on Aug. 3rd 1999

/signature/
THORMAELEN I A C
Chairperson

/signature/
AXTERS M E
Recorder of minutes

Enclosure(s): Minutes (Form 2906)

THORMAELEN I A C

Appendix to the minutes of the oral proceedings

The proceedings opened at 10 am.

The motions of the parties from the written proceedings were upheld unaltered.

The chairperson declared that it would be decided in the course of the proceedings whether the documents K4 ("*Druckindustrie*" 9001 St. Gallen, Nr. 5, March 11th 1993, "*Nach Golde drängt, am Golde hängt doch alles ...*", Title page, masthead, pages 22-23), K5 (DE-A-4 122 990), and K6 (EP-A-0 499 382), which were submitted later, would be taken into consideration in the opposition proceedings pursuant to article 114(1) EPC.

It followed a discussion on the inventive step of the granted claim 1, which was based on the teachings of documents K1 (copy from the magazine "*Offsetpraxis*", 3/1993, pages 12-15), K2 (US-A-5 176 077), K4, K5, and K6. Furthermore, the proprietor mentioned the document K7 (Magazine *FlexoDruck*, 2-93, pages 42-43), which is cited in the specification of the disputed patent.

In the course of the discussion the opponent still found fault with the clarity of parts of claims 1, as well as with the definition of the object.

Upon inquiry by the chairperson, the parties filed no further motions.

The proceedings were interrupted between 11:00 am and 11:29 am for the deliberation of the Opposition Division.

The chairwoman informed the parties that the documents K4, K5, and K6 are included in the proceedings, that the objections relating to clarity to not constitute an admissible ground for opposition pursuant to article 100 EPC, and announced the decision that the patent will be revoked pursuant to article 102(1) EPC.

The proceedings concluded at 11:30 am.

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

September 20, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 19"

Notice of Revocation and text of Decision to Revoke

Ch. König

(Christian König)

Page 1 of Tab 19 is tri-lingual. (The translator)

TO: [REDACTED]

EPA/EPO/OEB
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Aug. 25th 1999

Ref. Jma/Gscho	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

DECISION ON THE REVOCATION OF THE EUROPEAN PATENT (ART.102(1) EPC)

In the oral proceedings of Aug. 3rd 199, the Opposition Division has decided:

The European Patent No. 0620115 is being revoked.

☐ Additional decision:

The grounds for the decision are enclosed.

INSTRUCTIONS ON THE RIGHTS TO APPEAL

An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:
THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
☒ Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
94103832.5	REVO +	D40		
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TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Directorate General 2

KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
Germany

Date: Aug. 25th 1999

Ref. 1P3.0620115 OPPO 01	Application No./Patent No. 94103832.5-2304/0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

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The grounds for the decision are enclosed.

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An appeal against this decision is admissible. We refer to the enclosed text of the articles 106 to 108 EPC.

OPPOSITION DIVISION:

THORMAEHLEN I A C
Chairman

GREINER E F
1st examiner

AXTERS M E
2nd examiner

Enclosures:

Grounds for decision (Form 2916, 11 pages)
Text of articles 106 – 108 EPC (Form 2019)
☒ Minutes of the oral proceedings
+ F2936

REGISTERED MAIL WITH RETURN RECEIPT

EPA form 2331	Feb. 99	7053340	to post office on: Aug. 20 1999	
94103832.5	REVO			

I. Statement of facts and motions

1. European Patent No.: 0 620 115
Application No.: 94103832.5
Application date: March 12th 1994
Priority: April 4th 1993
DE 9305552
Publication of application: October 19th 1994
Patentblatt 1994/42
Disclosure of patent granting: April 23rd 1997
Patentblatt 1997/17

Proprietor: MAN Roland Druckmaschinen AG
D-63075 Offenbach (DE)

Title: Einrichtung for Inline-Beschichten von
Bedruckstoffen in Offsetdruckmaschinen.¹
2. Opponents: Koenig & Bauer Aktiengesellschaft
Friedrich-Koenig-Strasse 4
D-97080 Würzburg (DE)

Opposition filed: January 22nd 1998
by letter dated: January 20th 1998
3. Motions and development of the opposition proceedings
- 3.1 Opponents:
- 3.1.1 a) In his letter dated Jan. 20th 1998, the opponent requests the revocation of the patent in the granted version in its entirety, pursuant to article 102(1) EPC based on article 100a) EPC in combination with articles 52(1) and 56 EPC (Inventive step)
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.

¹ Device for inline coating of materials to be printed in offset printing presses. (The Translator)

- 3.1.2 In his letter dated July 14th 1998, the opponent upheld his previous motions, and presented additional arguments relating to the aforesaid state of the art.
- 3.2 Proprietor
- 3.2.1 In his letter dated May 5th 1998 the proprietor requested the upholding of the contested patent in unmodified form, and the dismissal of the opposition pursuant to article 102(2) EPC.
- 3.2.2 a) In his letter dated August 8th 1998, the proprietor presented additional arguments relating to his motions already at hand.
b) In addition, as an alternative he requested oral proceedings pursuant to article 116 EPC.
- 3.3 Opposition Division
In a communication pursuant to article 101(2) EPC and rules 58(1) to (4) EPC dated October 10th 1998, the Opposition division, in an interlocutory opinion on the patent subject matter, invited further statements of opinion from the two parties.
- 3.4 Proprietor
In a letter dated December 14th 1998, the proprietor renewed the motions he already had made, and presented further arguments relating to the aforesaid state of the art.
- 3.5 Opponent
In a letter dated February 10th 1999, the opponent upheld his previous motions, and submitted additional documents relating to the state of the art.
- 3.6 Proprietor
In a letter dated March 2nd 1999, the proprietor again upheld his previous motions.

- 3.7 Opposition Division
Summons for the 27th April 1999 for oral proceedings pursuant to rules 71(1) and 71A EPC, combined with a further interlocutory opinion on the subject matter of the patent.
- 3.8 In his letter dated June 30th 1999, the opponent again upheld his previous motions, and requested for the first time to include the following documents into the opposition proceedings, in particular to take them into consideration for the assessment of inventive steps:
- K4 = "*Druckindustrie*"² 9001 St. Gallen, No. 5 Mar. 11th 1993 "*Nach Golde drängt, am Golde hängt doch alles ...*"³, Title page, masthead, pages 22 and 23
K5 = DE-A-4 122 990
K6 = EP-A-0 499 382
- 3.9 The oral proceedings took place on August 3rd 1999. The course of the proceedings can be obtained from the minutes. Towards the end, the chairperson announced the decision to revoke the patent pursuant to article 102(1) EPC.
4. The decision is based on the following documents:
- 4.1 The independent claim 1 in the granted version has the following text:
"1. Device in a rotary printing press for multi-color offset printing for coating material to be printed with at least two coating units, wherein each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit that is upstream, in sheet running direction, is constructed as a flexo print unit (6), whereby the flexo print unit consists of the following elements:
a form cylinder (10.1) that carries a relief form and is in contact with the impression cylinder (8.1),

² "Printing trade" (The Translator)

³ "To push for gold, all depends on gold ..." (The Translator)

an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) that is connected to a feed pump for liquid feed and a suction pump for liquid return,

whereby a coating unit is arranged directly or indirectly after the flexo print unit, and whereby in the coating unit (7) an applicator roller (14) is provided to form a common metering slot together with an associated metering roller (13)."

4.2 The dependent claims 2 to 4 in the granted version relate to favored embodiments of the subject matter of claim 1.

5. The opponent and the proprietor list the following publications related to the state of the art.

5.1 K1 = copy from the magazine "Offsetpraxis", 3/1993, pages 12-15

K1a = Enlargement of an illustration of copy K1

K2 = US-A-5 176 077

K3 = Copy from the reference book: "Flexodruck von A bis Z"⁴, Cover page, masthead, page 160

K4 = "Druckindustrie" 9001 ST. Gallen, No. 5, Mar. 11th 1993, "Nach Golde drängt, am Golde hängt doch alles ...", Title page, masthead, pages 22 and 23

K5 = DE-A-4 122 990

K6 = EP-A-0 499 382

K7 = Magazine: "FlexoDruck", 2-93, pages 42-43, "Goldlackdruck löst Metall-Bronzierung ab"⁵.

5.2 The Opposition Division hereby determines that the documents K4, K5, and K6 were first mentioned by the opponent in a letter dated June 30th 1999, only after the end of the period for entering an opposition pursuant to article 99(1) EPC.

5.3 The Opposition Division also determines that the document K7 was mentioned by the proprietor for the first time in these opposition proceedings during the oral proceedings.

⁴ "Flexo printing from A to Z" (The Translator)

⁵ "Gold coat printing replaces metallic bronzing" (The Translator)

II Grounds for the decision:

1. Admissibility

1.1 All aforesaid grounds for opposition relating to inventive steps pursuant to article 56 EPC are admissible, since they comply with all requirements of articles 99(1) and 100 EPC as well as of rules 1(1) and 55 EPC.

1.2 The objections presented by the opposition in the course of the oral proceedings with respect to the clarity of the independent claim 1, as well as to the object definition of the granted version within the meaning of article 84 EPC, are not admissible in the opinion of the Opposition Division, since such faults do not constitute grounds for opposition within the meaning of article 100 EPC. Thus a more detailed statement of opinion is not required here.

1.3 All the documents K1 to K7 mentioned in the opposition proceedings comply with the regulations of article 54(2) EPC. The opinion that was already stated earlier in the interlocutory opinion of the Opposition Division of April 27th 1999, stating that the documents K1 and K1a fulfill the conditions of article 54(2) EPC, was not disputed by the proprietor.

1.4 Documents submitted or mentioned with delay:

1.4.1 Documents K4 and K6

Since the proprietor did not raise any objections against taking the publications listed below into consideration, and the Opposition Division is of the opinion that these documents are pertinent in the assessment of the question of the inventive step of claim 1 pursuant to article 56 EPC, the Opposition Division decided to admit these documents into the present opposition proceedings for decision making.

The document K4 does not represent any further independent state of the art with respect to the documents mentioned for the first time, but only serves to further clarify the technical teaching of document K1.

1999-08-25

1.4.2 Documents K5 and K7:

The document K5, which was mentioned by the opponent only after the end of the period for entering an opposition pursuant to article 99(1) EPC, and the document K7 mentioned first by the proprietor during the oral proceedings, are already listed in the specification of the disputed patent: column 1, lines 7 to 16 and lines 30 to 38. Due to this, the Opposition Division takes the two documents K5 and K7 into consideration in the decision making in the present opposition proceedings.

2. Novelty:

The examination of the published state of the art has convinced the Opposition Division that the subject matter of the independent claim 1 is novel within the meaning of article 54 EPC. None of the documents, which are mentioned in the opposition proceedings, by itself discloses the features of the independent claim 1. Since this fact is not a matter of contention, a detailed substantiation is not required here.

3. Inventive step

3.1 In the opinion of the Opposition Division, the subject matter of the independent claim 1 does not contain any inventive step within the meaning of article 56 EPC.

3.2 After careful examination of all documents involved in the opposition proceedings, the Opposition Division reaches the conclusion, in agreement with the opponent, that the document K1 (magazine: "*Offsetpraxis*") is to be seen as the closest related state of the art.

3.3 Documents K1, K1a, K4, and K7:

3.3.1 Based on the agreeing opinion of both parties, the Opposition Division determines that the following feature of the contested claim 1 is already described in document K1:

1994-08-25 09:44:00

“Device in a rotary printing press for multi-color offset printing for coating materials to be printed with at least two coating units, whereby each coating unit comprises one impression cylinder (8), one form cylinder (10), and one applicator roller (11, 14), and the coating unit, upstream with respect to the sheet running direction ... is constructed, whereby ... a coating unit (7) is arranged directly or indirectly downstream, and whereby in the coating unit (7) an applicator roller (14) is provided, which is associated with an adjustable metering roller (13) to form a common metering slot.”

The opponent could give *prima facie* evidence, that the multi-color offset rotary printing press “Fünffarben Roland 700”, which is illustrated explicitly in the document K1, e.g. by means of a schematic drawing on page 13, also see document K1a, and which was presented to experts during the course of a so-called presentation in the Druckerei Busche in Dortmund (DE), contained two coating units, both of which were constructed with one form cylinder and a double-roller unit as a metering system for coating.

The same special embodiment of the presented printing press is seen in the schematic drawing in document K4.

3.3.2

Contrary to the argument by the proprietor, in addition to this, the document K1 discloses to a person skilled in the art the following, additional features of the contested claim 1:

“... the coating unit, upstream with respect to the sheet running direction, is executed as a flexo print unit, whereby the flexo print unit consists of the following elements:

a relief form carrying form cylinder (10.1), which is in contact with the impression cylinder, an applicator roller (11) with raster structure, which is in contact with the form cylinder (10.1), and an adjustable doctor blade chamber (12) ... whereby a coating unit (7) is located downstream of the flexo print unit ...

“.

T 0447 0447 0447

Even if the actually presented multi-color offset printing press did not possess a coating tower with flexo printing plate and doctor blade chamber, every person skilled in the art can learn explicitly from the text of each of the submitted documents K1, K4, and K7, that it is possible to apply a special gold- or silver printing ink, which is based on an aqueous fixing agent or is water-soluble, onto a material to be printed by means of a flexo printing plate, see for example document K1, page 13, left column, second paragraph – page 14, right column, document K4, page 22, right column, penultimate paragraph – page 23, right column line 4, as well as document K7, page 42, left column, first paragraph, middle column, second paragraph, and page 43, middle column, first paragraph.

3.3.3

In addition, each of the documents K1 and K7 describes a doctor blade chamber system with anilox roller as an ink feed system for the plate cylinder that is equipped with a flexo printing plate. In particular from Document K7, a person skilled in the art obtains the statement that the final version of the presented multi-color offset printing press will comprise an anilox roller and a doctor blade chamber system, which was not installed in the actually presented machine only due to time limitations, see document K7, page 43, middle column, first paragraph. Document K4 only discloses a short inking attachment with anilox roller.

3.3.4

Both documents K1 and K4 directly and unambiguously state that at first the gold- or silver printing ink on a water basis is applied to the material to be printed by flexo printing, and only afterwards, i.e. downstream in sheet running direction, a conventional coating unit, i.e. e.g. as installed in the presented printing press, is used to apply a so-called overprint coating or dispersion coating, see for example document K1, page 14, middle column, last paragraph, and document K4, page 22, right column, penultimate paragraph, and page 23, left column, second paragraph, and right column, first paragraph. Document K7 does not state anything relevant to this matter.

3.3.5

In consideration of the arguments presented by both parties, the subject matter of the independent claim 1 is different from the technical teaching of document K1 only in the following features:

(a) "...doctor blade chamber (12), **which is connected with a feed pump for liquid feed and with a suction pump for liquid return ...**"

3.4 Thus, the published state of the art defines the problem of enabling the inline processing of quickly-evaporating, aqueous printing inks or printing coats with high pigment content or rough pigments in a simple manner, see patent specification, column 1, lines 47-51.

3.5 Based on the disclosure of document K1 illustrated above, the Opposition Division sides with the opinion of the opponent, that the object of the disputed patent is to improve the per se known doctor blade chamber system with anilox roller in such a way, so that a problem free transport of aforesaid special printing inks or printing coats can take place within the per se known doctor blade chamber system of a per se known flexo print unit within a multi-color offset rotary printing press.

3.6 Documents K2 and K6:

3.6.1

Both, the document K2, see e.g. column 2, lines 22-38, column 8, lines 37-52 and figures 1 and 2, and the document K6, see e.g. column 2, lines 3 -10, column 7, line 42 - column 8, line 14, and figures 1 and 2, not only clearly and directly described the feature (a) of the contested claim 1, which was mentioned above in item II 3.3.5, but also the exact reason why a feed pump is provided for liquid feed, and a suction pump is provided for liquid return.

Both of the known devices must be suitable for the problem-free transport of aqueous, quickly evaporating flexo printing inks, whereby document K6 explicitly names pigment particles in inks or coatings of that type.

TECHNICAL

3.6.2

In view of the above mentioned object it is evidently obvious for a person skilled in the art to either install the ink pumps according to document K2, or the ink pumps according to document K6, into the doctor blade chamber system according to document K1, since he can learn from each of the two documents K2 and K6 independently how the aforesaid special problematic printing inks can be transported problem-free within the doctor blade chamber system. Hereby it is irrelevant for the present definition of the object, whether one deals with a pure flexo printing press without reference to an offset printing press as in document K6, or, as in document K2, with a flexo printing plate cylinder with the added function of a sheet transport cylinder or a type of satellite printing unit with respect to the counter pressure cylinder "(36)" of figures 1 and 2 of K2. Contrary to the arguments of the proprietor, the Opposition Division can not see how a person skilled in the art could be led away from the contested invention by the technical teaching of the documents K2 or K6. Through the identical problem definition in K2 and in K6 with respect to the stated problem definition of the disputed patent, the person skilled in the art almost receives a direct tip to install the ink pumps described in K2 and K6 to solve his task in the doctor blade chamber system inside a multi-color offset printing press of document K1.

3.6.3

Thus, the subject matter of the contested claim 1 follows in a manner that is obvious to a person skilled in the art.

3.7

Thus, the Opposition Division reaches the conclusion, that the subject matter of the independent claim 1 of the disputed patent with respect to the published state of the art, in particular with respect to a combination of the document K1, combined either with the document K2 or combined with the document K6, does contain **no inventive step** in the sense of article 56 EPC.

3.8 The Opposition Division considers the remaining documents K3 and K5 mentioned in the course of the opposition proceedings as less relevant for the assessment of an inventive step, and cannot show a lack of an inventive step of the independent claim 1 by either considering each of the documents on its own, or by considering them in any combinations with each other, or with the other documents K1, K2, K4, K6, and K6, which were mentioned in the opposition proceedings.

3.9 Dependent claims 2-4:

In view of the present lack of an inventive step of the independent claim 1, and the fact that no motion by the proprietor is at hand to include any features of any dependent claim into the independent claim, there exists no need for a careful examination of the inventive steps of the claims 2 – 4 in question.

6. The opponent and the proprietor were given the opportunity to express their opinion in the sense of article 113(1) EPC with respect to all grounds on which the present decision is based.

7. Since the independent claim 1 in the granted version of the disputed European patent No. 0 620 115 does not meet the requirements of articles 52 and 56 EPC (Inventive step), due to the above mentioned grounds, the European patent had to be revoked in the sense of article 102(1) EPC.

European Patent Office
DG2 – Opposition

Application No. 94 103 832.5

Patent No. EP-B-0620115

Minutes of the oral proceedings before the Opposition Division

The proceedings were open to the public.

The proceedings started at 10 am on Aug. 3rd 1999

Members of the Opposition Division:

Chairperson: THORMAEHLEN I A C
1. Member: GREINER E F
2. Member: AXTERS M E

Recorder of minutes: AXTERS M E

Present as/for the involved parties:

• RICHTER
For proprietor: MAN Roland Druckmaschinen AG
Accompanied by: STAHL

• STIEL
For opponent 1: KOENIG & BAUER Aktiengesellschaft

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- ## “The European patent is revoked”

The chairperson closed the proceedings at 11:30 am on Aug. 3rd 1999

/signature/
AXTERS M E
Recorder of minutes

Enclosure(s): Minutes (Form 2906)

Appendix to the minutes of the oral proceedings

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EPA / EPO / OEB
D - 80298 München
089 / 2399 - 0
Tx 523 656 epmu d
Fax 089 / 2399 - 4465

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Direction générale 2



Zutreffendes ankreuzen/Insert cross as applicable/Cocher les cases appropriées

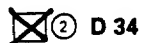
Anmeldenummer / Application No. / N° de la demande

94103832.5

3. Die Einspruchsabteilung erläßt folgende Entscheidung / The Opposition Division decides as follows / La division d'opposition décide :



3.1 **Widerruf** des europäischen Patents (Art. 102(1) EPÜ) mit Form 2331 - REVO.
Revocation of European patent (Art. 102(1) EPC) using Form 2331 - REVO.
Révocation du brevet européen (art. 102(1) CBE) au moyen du formulaire 2331 - REVO.



② D 34 Entscheidung nach Erstbescheid
Decision after first communication
Décision après première notification



② D 35 Entscheidung ohne Erstbescheid
Decision without first communication
Décision sans première notification



3.2 **Zurückweisung** des Einspruchs/der Einsprüche (Art. 102(2) EPÜ) mit Form 2330 - REJO.
Rejection of the Opposition(s) (Art. 102(2) EPC) using Form 2330 - REJO.
Rejet de l'(des) opposition(s) (art. 102(2) CBE) au moyen du formulaire 2330 - REJO.



② D 74 Entscheidung nach Erstbescheid
Decision after first communication
Décision après première notification



② D 75 Entscheidung ohne Erstbescheid
Decision without first communication
Décision sans première notification



3.3 **Zwischenentscheidung** (Art. 102(3) und 106(3) EPÜ) über die Fassung in der das europäische Patent in geändertem Umfang aufrechterhalten werden kann, mit den in Form 2339.4 aufgeführten Unterlagen (mit Form 2327-IDOP)
Interlocutory decision (Art. 102(3) and 106(3) EPC) on the amended form in which the European patent can be maintained, with the documents listed in Form 2339.4 (using Form 2327-IDOP)
Décision intermédiaire (art. 102(3) et 106(3) CBE) relative au texte dans lequel le brevet modifié peut être maintenu, avec les documents indiqués dans le formulaire 2339.4 (au moyen du formulaire 2327-IDOP)



② D 84 Entscheidung nach Erstbescheid
Decision after first communication
Décision après première notification



② D 85 Entscheidung ohne Erstbescheid
Decision without first communication
Décision sans première notification



3.4 **Verwerfung** des Einspruchs als unzulässig (Regel 56 EPÜ) mit Form 2307 - LOPR / OPPA XX /
Rejection of the notice of opposition as inadmissible (Rule 56 EPC) using Form 2307 - LOPR / OPPA XX /
Rejet de l'opposition pour irrecevabilité (règle 56 CBE) au moyen du formulaire 2307 - LOPR / OPPA XX /



② D 54 Entscheidung nach Erstbescheid
Decision after first communication
Décision après première notification



② D 55 Entscheidung ohne Erstbescheid
Decision without first communication
Décision sans première notification



4. **Zusätzliche Entscheidung** zu 3.1, 3.2 oder 3.3: / **Additional decision**, in addition to 3.1, 3.2 or 3.3: /
Décision additionnelle à 3.1, 3.2 ou 3.3 :



Der Einspruch des Einsprechenden
The opposition of opponent
L'opposition formée par l'opposant

wird als unzulässig verworfen.
is rejected as inadmissible.
est rejetée pour irrecevabilité.



Verteilung der Kosten (Art. 104(1) EPÜ) wie in den Entscheidungsgründen angegeben.
Apportionment of costs (Art. 104(1) EPC) as indicated in the Grounds for the decision.
Répartition des frais (art. 104(1) CBE) comme indiquée dans les motifs de la décision

130899

Datum/Date

J. Thormählen

Vorsitzender
Chairman
Président

I. Thormählen

Sticht

2. Prüfer
2nd Examiner
2ème examinateur

M.E. AXTERS

E. Greiner

1. Prüfer
Primary Examiner
1er examinateur

E. Greiner

rechtskundiges Mitglied

legally qualified member
l'examinateur juriste



EPA/EPO/OEB
D-80298 München
089/2399-0
TX 523 656 apmu d
FAX 089/2399-4465

Europäisches
Patentamt

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Patent Office

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Generaldirektion 2

Directorate General 2

Direction Générale 2

COPY

Marek, Joachim, Dipl.-Ing.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S,
Postfach 10 12 64
63012 Offenbach
ALLEMAGNE



Datum/Date

25.08.99

Zeichen/Ref./Réf. JMa/GScho	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94103832.5-2304/0620115
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire MAN Roland Druckmaschinen AG	

ENTSCHEIDUNG ÜBER DEN WIDERRUF DES EUROPÄISCHEN PATENTS (ART.102(1) EPÜ)

Die Einspruchsabteilung hat - in der mündlichen Verhandlung vom 3-8-99
- entschieden:

Das Europäische Patent Nr. 0620115 wird widerrufen.

[] Zusätzliche Entscheidung:

Die Entscheidungsgründe sind beigelegt.

RECHTSMITTELBELEHRUNG

Gegen diese Entscheidung ist die Beschwerde statthaft. Auf den beigelegten Wortlaut der Artikel 106 bis 108 EPÜ wird aufmerksam gemacht.

EINSPRUCHSABTEILUNG:
THORMAEHLEN I A C
Vorsitzender

GREINER E F
1. Prüfer

AXTERS M E
2. Prüfer

Anlagen: Entscheidungsgründe (Form 2916, 11. Seiten)
Wortlaut Art. 106 - 108 EPÜ (Form 2019)
X] Protokoll der mündlichen Verhandlung

+ F 1936



EINSCHREIBEN MIT RÜCKSCHEIN

EPA Form 2331 02.99	7053340	zur Poststelle am: 20/08/99	
94103832.5	REVO + J40		



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Generaldirektion 2

Directorate General 2

Direction Générale 2

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KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
ALLEMAGNE



Datum/Date

2 5. 08. 99

Zeichen/Ref./Réf.

1P3.0620115 OPPO 01

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°

94103832.5-2304/0620115

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

MAN Roland Druckmaschinen AG

ENTSCHEIDUNG ÜBER DEN WIDERRUF DES EUROPÄISCHEN PATENTS (ART.102(1) EPÜ)

Die Einspruchsabteilung hat - in der mündlichen Verhandlung vom 3.8.99
- entschieden:

Das Europäische Patent Nr. 0620115 wird widerrufen.

[] Zusätzliche Entscheidung:

Die Entscheidungsgründe sind beigelegt.

RECHTSMITTELBELEHRUNG

Gegen diese Entscheidung ist die Beschwerde statthaft. Auf den beigelegten Wortlaut der Artikel 106 bis 108 EPÜ wird aufmerksam gemacht.

EINSPRUCHSABTEILUNG:

THORMAEHLEN I A C
Vorsitzender

GREINER E F
1. Prüfer

AXTERS M E
2. Prüfer

Anlagen: Entscheidungsgründe (Form 2916, 11. Seiten)
Wortlaut Art. 106 - 108 EPÜ (Form 2019)
☒ Protokoll der mündlichen Verhandlung

4 F 2936



EINSCHREIBEN MIT RÜCKSCHEIN

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1Anmelde-Nr.:
Application No.:
Demande n°:
94 103 832.5**I. Sachverhalt und Anträge:**

1. Europäisches Patent Nr.: 0 620 115
Anmeldenummer: 94103832.5
Anmeldetag: 12.03.1994
Priorität: 16.04.1993
DE 9305552
Veröffentlichung der Anmeldung: 19.10.1994
Patentblatt 1994/42
Bekanntmachung der Patenterteilung: 23.04.1997
Patentblatt 1997/17

Patentinhaberin: MAN Roland Druckmaschinen AG
D-63075 Offenbach (DE)

Titel: Einrichtung zum Inline-Beschichten von Bedruckstoffen
in Offsetdruckmaschinen

2. Einsprechende: Koenig & Bauer Aktiengesellschaft
Friedrich-Koenig-Straße 4
D-97080 Würzburg (DE)

Einspruch eingelegt: 22.01.1998
mit Schreiben vom 20.01.1998

3. Anträge und Verfahrensverlauf des Einspruchsverfahrens:

3.1 Einsprechende:

- 3.1.1 a) In ihrem Schreiben vom 20.01.1998 beantragte die Einsprechende den Widerruf des Patents in vollem Umfang in der erteilten Fassung gemäß Artikel 102(1) EPÜ auf Grund von Artikel 100a) EPÜ in Verbindung mit den Artikeln 52(1) und 56 EPÜ (erfinderische Tätigkeit).
b) Desweiteren beantragte sie hilfsweise eine mündliche Verhandlung gemäß Artikel 116 EPÜ.

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3.1.2 In ihrem Schreiben vom 14.07.1998 hielt die Einsprechende ihre bisherigen Anträge aufrecht und brachte weitere Argumente bezüglich des genannten Standes der Technik vor.

3.2 Patentinhaberin:

3.2.1 Mit ihrem Schreiben vom 05.05.1998 beantragte die Patentinhaberin die Aufrechterhaltung des bestrittenen Patents in unveränderter Form und die Zurückweisung des Einspruchs gemäß Artikel 102(2) EPÜ.

3.2.2 a) Mit ihrem Schreiben vom 21.08.1998 brachte die Patentinhaberin weitere Argumente bezüglich ihrer bereits vorliegenden Anträge vor.
b) Desweiteren beantragte sie hilfsweise eine mündliche Verhandlung gemäß Artikel 116 EPÜ.

3.3 Einspruchsabteilung:

In dem Bescheid gemäß Artikel 101(2) EPÜ und Regel 58 (1) bis (4) EPÜ vom 02.10.1998 forderte die Einspruchsabteilung mit einer vorläufigen Stellungnahme zum Patentgegenstand die beiden Parteien zur weiteren Stellungnahme auf.

3.4 Patentinhaberin:

In dem Schreiben vom 14.12.1998 wiederholte die Patentinhaberin ihre bereits genannten Anträge und brachte weitere Argumente bezüglich des genannten Standes der Technik vor.

3.5 Einsprechende:

In ihrem Schreiben vom 10.02.1999 hielt die Einsprechende ihre bisherigen Anträge aufrecht und reichte weitere Unterlagen zum Stand der Technik ein.

3.6 Patentinhaberin:

In ihrem Schreiben vom 02.03.1999 hielt die Patentinhaberin ein weiteres Mal ihre bisherigen Anträge aufrecht.

EP 0 694 103 A1



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Date
2 5. 08. 99

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Anmelde-Nr.:
Application No.:
Demande n°:
94 103 832.5

3.7 Einspruchsabteilung:

Ladung vom 27.04.1999 zur mündlichen Verhandlung gemäß den Regeln 71(1) und 71a EPÜ zusammen mit einer weiteren vorläufigen Stellungnahme zum Patentgegenstand.

- 3.8 In ihrem Schreiben vom 30.06.1999 hielt die Einsprechende erneut ihre bisherigen Anträge aufrecht und beantragte erstmals die folgenden Dokumente in das Einspruchsverfahren aufzunehmen und insbesondere für die Beurteilung der erfinderischen Tätigkeit zu berücksichtigen:

K4 = "DruckIndustrie" 9001 St. Gallen, Nr. 5, 11.3.1993 "Nach Golde drängt, am Golde hängt doch alles ...", Titelblatt, Impressum, Seiten 22 und 23

K5 = DE-A-4 122 990

K6 = EP-A-0 499 382.

- 3.9 Die mündliche Verhandlung fand am 03.08.1999 statt. Der Verlauf ist aus dem Protokoll hierzu ersichtlich. Am Ende verkündete die Vorsitzende die Entscheidung, daß das Patent gemäß Artikel 102(1) EPÜ widerrufen wird.

4. Der Entscheidung liegen folgende Unterlagen zugrunde:

- 4.1 Der unabhängige Anspruch 1 in der erteilten Fassung hat folgenden Wortlaut:

"1. Einrichtung in einer Rotationsdruckmaschine für mehrfarbigen Offsetdruck zum Beschichten von Bedruckstoffen mit wenigstens zwei Lackiereinheiten, wobei jede Lackiereinheit einen Druckzylinder (8), einen Formzylinder (10) und eine Auftragwalze (11, 14) aufweist, und die entsprechend Bogenlaufrichtung vorgeordnete Lackiereinheit als Flexodruckwerk (6) ausgebildet ist, wobei das Flexodruckwerk aus folgenden Elementen besteht:

dem eine Hochdruckform tragenden Formzylinder (10.1), der mit dem Druckzylinder (8.1) in Kontakt steht,
einer Auftragwalze (11) mit Rasterstruktur, die mit dem Formzylinder (10.1) in



Kontakt steht und einem anstellbaren Kammerrakel (12), das mit einer Förderpumpe zur Flüssigkeitszufuhr und einer Saugpumpe zur Flüssigkeitsrückführung verbunden ist,

wobei dem Flexodruckwerk (6) eine Lackiereinheit (7) direkt oder indirekt nachgeordnet ist, und wobei in der Lackiereinheit (7) eine Auftragwalze (14) vorgesehen ist, der eine Dosierwalze (13) zur Bildung eines gemeinsamen Dosierspaltes anstellbar zugeordnet ist."

- 4.2 Die abhängigen Ansprüche 2 bis 4 in der erteilten Fassung beziehen sich auf vorteilhafte Ausbildungen des Gegenstandes des Anspruchs 1.
5. Die Einsprechende und die Patentinhaberin nennen zum Stand der Technik folgende Druckschriften:
- 5.1 K1 = Kopie aus der Zeitschrift: "Offsetpraxis", 3/1993, Seiten 12 - 15
K1a = Vergrößerung einer Abbildung aus der Kopie K1
K2 = US-A-5 176 077
K3 = Kopie aus dem Fachbuch: "Flexodruck von A bis Z", Deckblatt, Impressum, Seite 160
K4 = "DruckIndustrie" 9001 St. Gallen, Nr. 5, 11.3.1993 "Nach Golde drängt, am Golde hängt doch alles ...", Titelblatt, Impressum, Seiten 22 und 23
K5 = DE-A-4 122 990
K6 = EP-A-0 499 382
K7 = Zeitschrift: "FlexoDruck", 2-93, Seite 42 - 43, "Goldlackdruck löst Metall-Bronzierung ab"
- 5.2 Die Einspruchsabteilung stellt hiermit fest, daß die Dokumente K4, K5 und K6 von der Einsprechenden erst nach Ablauf der Einspruchsfrist gemäß Artikel 99(1) EPÜ erstmals mit dem Schreiben vom 30.06.1999 genannt wurden.
- 5.3 Desweiteren stellt die Einspruchsabteilung fest, daß das Dokument K7 von der Patentinhaberin erstmals im vorliegenden Einspruchsverfahren im Laufe der mündlichen Verhandlung genannt wurde.

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II. Entscheidungsgründe:

1. Zulässigkeit:

- 1.1 Alle genannten Einspruchsgründe bezüglich der erfinderischen Tätigkeit gemäß Artikel 56 EPÜ sind zulässig, weil sie allen Anforderungen der Artikel 99(1) und 100 EPÜ sowie den Regeln 1(1) und 55 EPÜ entsprechen.
- 1.2 Die von der Einsprechenden im Laufe der mündlichen Verhandlung vorgetragene Einwände bezüglich der Klarheit des unabhängigen Anspruchs 1 sowie der Aufgabenstellung in der erteilten Fassung im Sinne des Artikels 84 EPÜ sind nach Auffassung der Einspruchsabteilung nicht zulässig, da derartige Mängel keinen Einspruchsgrund im Sinne des Artikels 100 EPÜ darstellen. Eine ausführlichere Stellungnahme ist deshalb hier nicht erforderlich.
- 1.3 Alle im Einspruchsverfahren genannten Dokumente K1 bis K7 erfüllen die Bestimmungen des Artikels 54(2) EPÜ. Die bereits in der vorläufigen Stellungnahme der Einspruchsabteilung vom 27.04.1999 genannte Auffassung, daß auch die Dokumente K1 und K1a die Bedingungen des Artikels 54(2) EPÜ erfüllen, blieb von Seiten der Patentinhaberin unwidersprochen.
- 1.4 Verspätet eingereichte bzw. genannte Dokumente:
 - 1.4.1 Dokumente K4 und K6:

Da die Patentinhaberin keine Einwände gegen die Berücksichtigung dieser nachgenannten Druckschriften vorgebracht hat, und die Einspruchsabteilung der Auffassung war, daß diese Dokumente sachdienlich dafür sind, die Frage der erfinderischen Tätigkeit des Anspruchs 1 gemäß Artikel 56 EPÜ zu bestimmen, beschloß die Einspruchsabteilung, diese Dokumente in das vorliegende Einspruchsverfahren zur Entscheidungsfindung aufzunehmen.

Das Dokument K4 stellt dabei keinen weiteren selbständigen Stand der Technik gegenüber den erstmals genannten Dokumenten dar, sondern dient lediglich dazu, die technische Lehre des Dokuments K1 weiter zu verdeutlichen.



1.4.2 Dokumente K5 und K7:

Das von der Einsprechenden erst nach Ablauf der Einspruchsfrist gemäß Artikel 99(1) EPÜ genannte Dokument K5 und das von der Patentinhaberin erst während der mündlichen Verhandlung genannte Dokument K7 sind bereits in der Beschreibung des Streitpatents in Spalte 1, Zeilen 7 bis 16 und Zeilen 30 bis 38 genannt. Die Einspruchsabteilung berücksichtigt deshalb diese beiden Dokumente K5 und K7 zur Entscheidungsfindung im vorliegenden Einspruchsverfahren.

2. Neuheit:

Die Prüfung des bekanntgewordenen Standes der Technik hat die Einspruchsabteilung davon überzeugt, daß der Gegenstand des unabhängigen Anspruchs 1 neu im Sinne des Artikels 54 EPÜ ist. Keines der im Einspruchsverfahren genannten Dokumente offenbart für sich allein betrachtet alle Merkmale des unabhängigen Anspruchs 1. Da diese Tatsache nicht bestritten wurde, besteht hier kein Bedarf für eine ausführliche Begründung.

3. Erfinderische Tätigkeit:

3.1 Der Gegenstand des unabhängigen Anspruchs 1 weist nach Auffassung der Einspruchsabteilung keine erfinderische Tätigkeit im Sinne des Artikels 56 EPÜ auf.

3.2 Nach eingehender Prüfung aller im Einspruchsverfahren befindlichen Dokumente kommt die Einspruchsabteilung in Übereinstimmung mit der Einsprechenden zur Schlußfolgerung, daß das Dokument K1 (Zeitschrift: "Offsetpraxis") als nächstliegender Stand der Technik anzusehen ist.

3.3 Dokumente K1, K1a, K4 und K7:

3.3.1

Nach übereinstimmender Auffassung beider Parteien stellt die

TECHNISCHE UNIVERSITÄT DUISBURG ESSEN



Einspruchsabteilung fest, daß folgende Merkmale des bestrittenen Anspruchs 1 bereits im Dokument K1 beschrieben sind:

"Einrichtung in einer Rotationsdruckmaschine für mehrfarbigen Offsetdruck zum Beschichten von Bedruckstoffen mit wenigstens zwei Lackiereinheiten, wobei jede Lackiereinheit einen Druckzylinder (8), einen Formzylinder (10) und eine Auftragwalze (11, 14) aufweist und die entsprechend Bogenlaufrichtung vorgeordnete Lackiereinheit ... ausgebildet ist, wobei ... eine Lackiereinheit (7) direkt oder indirekt nachgeordnet ist, und wobei in der Lackiereinheit (7) eine Auftragwalze (14) vorgesehen ist, der eine Dosierwalze (13) zur Bildung eines gemeinsamen Dosierspaltes anstellbar zugeordnet ist."

Die Einsprechende konnte glaubhaft machen, daß die in dem Dokument K1 explizit z.B. mittels Schemazeichnung auf Seite 13, siehe auch Dokument K1a, dargestellte Mehrfarbenoffsetrotationsdruckmaschine: "Fünffarben Roland 700", welche in der genannten Druckerei Busche in Dortmund (DE) im Laufe einer sogenannten Präsentation der Fachwelt bekanntgemacht wurde, zwei Lackiereinheiten aufwies, von denen beide jeweils mit einem Formzylinder und einem Zweiwalzenwerk als Dosiersystem für den Lack ausgeführt waren.

Dieselbe spezielle Ausführungsform der vorgestellten Druckmaschine ist der Schemazeichnung aus dem Dokument K4 zu entnehmen.

3.3.2

Entgegen dem Vorbringen der Patentinhaberin offenbart jedoch das Dokument K1 darüberhinaus für den Fachmann die folgenden, weiteren Merkmale des bestrittenen Anspruchs 1:

"... die entsprechend Bogenlaufrichtung vorgeordnete Lackiereinheit als Flexodruckwerk (6) ausgebildet ist, wobei das Flexodruckwerk aus folgenden Elementen besteht:

dem eine Hochdruckform tragenden Formzylinder (10.1), der mit dem Druckzylinder (8.1) in Kontakt steht, einer Auftragwalze (11) mit Rasterstruktur, die mit dem Formzylinder (10.1) in Kontakt steht und einem anstellbaren

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Kammerrakel (12) ... wobei dem Flexodruckwerk (6) eine Lackiereinheit (7) ... nachgeordnet ist ...".

Auch wenn die tatsächlich präsentierte Mehrfarbenoffsetdruckmaschine keinen Lackturm mit Flexodruckplatte und Kammerrakel aufwies, so kann jedoch der Fachmann aus jedem der eingereichten Dokumente K1, K4 und K7 explizit im Text die Lehre entnehmen, daß es möglich ist, eine spezielle Gold- oder Silberdruckfarbe, die auf einem wässrigen Bindemittel aufbaut bzw. wasserlöslich ist, mittels einer Flexodruckplatte auf einen Bedruckstoff aufzubringen, siehe z.B. Dokument K1, Seite 13, linke Spalte, zweiter Absatz - Seite 14, rechte Spalte, Dokument K4, Seite 22, rechte Spalte, vorletzter Absatz - Seite 23, rechte Spalte, Zeile 4, sowie Dokument K7, Seite 42, linke Spalte, erster Absatz, mittlere Spalte, zweiter Absatz und Seite 43, mittlere Spalte, erster Absatz.

3.3.3

Darüberhinaus wird in jedem der Dokumente K1 und K7 ein Kammerrakelsystem mit Rasterwalze als Farbzufuhrsystem für den mit einer Flexodruckplatte versehenen Plattenzylinder beschrieben. Speziell aus dem Dokument K7 entnimmt der Fachmann die Aussage, daß die Endversion der vorgestellten Mehrfarbenoffsetdruckmaschine eine Rasterwalze und ein Kammerrakelsystem umfassen wird, welches lediglich aus Zeitgründen noch nicht auf der tatsächlich präsentierten Maschine installiert war, siehe Dokument K7, Seite 43, mittlere Spalte, erster Absatz. Das Dokument K4 offenbart dabei lediglich ein Kurzfarbwerk mit Rasterwalze.

3.3.4

Beide Dokumente K1 und K4 liefern unmittelbar und eindeutig die Aussage, daß zuerst mittels Flexodruck die Gold- bzw. Silberdruckfarbe auf Wasserbasis auf den Bedruckstoff aufgetragen wird und erst anschließend, d.h. in Bogenlaufrichtung nachgeordnet, mittels einer üblichen Lackiereinheit, also z.B. wie in der vorgestellten Druckmaschine eingebaut, ein sogenannter Überdrucklack bzw. Dispersionlack aufgetragen wird, siehe z.B. Dokument K1, Seite 14, mittlere Spalte letzter Absatz und Dokument K4, Seite 22, rechte Spalte, vorletzter Absatz und Seite 23, linke Spalte, zweiter Absatz und rechte Spalte, erster Absatz. Das Dokument K7 liefert diesbezüglich keine verwertbare Aussage.



3.3.5

Unter Berücksichtigung der vorgebrachten Argumente beider Parteien unterscheidet sich der Gegenstand des unabhängigen Anspruchs 1 lediglich durch die folgenden Merkmale von der Lehre des Dokuments K1:

(a) "... Kammerrakel (12), **das mit einer Förderpumpe zur Flüssigkeitszufuhr und einer Saugpumpe zur Flüssigkeitsrückführung verbunden ist** ...".

3.4 Der bekanntgewordene Stand der Technik weist somit das Problem auf, in einfacher Weise eine Inline-Verarbeitung von schnellverdunstenden, wäßrigen Druckfarben bzw. Drucklacken mit hohem Pigmentanteil bzw. groben Pigmenten zu ermöglichen, siehe Patentschrift, Spalte 1, Zeilen 47 - 51.

3.5 Basierend auf der oben dargestellten Offenbarung des Dokuments K1 schließt sich die Einspruchsabteilung der Auffassung der Einsprechenden an, daß sich für das Streitpatent die objektive Aufgabe stellt, das an sich bekannte Kammerrakelsystem mit Rasterwalze dahingehend zu verbessern, daß ein problemloser Transport der genannten, speziellen Druckfarben bzw. Drucklacke innerhalb des an sich bekannten Kammerrakelsystems eines an sich bekannten Flexodruckwerks innerhalb einer Mehrfarbenoffsetrotationsdruckmaschine erfolgen kann.

3.6 Dokumente K2 und K6:

3.6.1

Sowohl das Dokument K2, siehe z.B. Spalte 2, Zeilen 22 - 38, Spalte 8, Zeilen 37 - 52 und Figuren 1 und 4, als auch das Dokument K6, siehe z.B. Spalte 2, Zeilen 3 - 10, Spalte 7, Zeile 42 - Spalte 8, Zeile 14 und Figuren 1 und 2, beschreiben nicht nur eindeutig und unmittelbar das oben in Punkt II 3.3.5 genannte Merkmal (a) aus dem bestrittenen Anspruch 1, sondern auch den Grund, warum gerade eine Förderpumpe zur Flüssigkeitszufuhr und eine Saugpumpe zur Flüssigkeitsrückführung vorgesehen sind.

Beide der bekannten Vorrichtungen müssen dafür geeignet sein, problemlos wäßrige; schnellverdunstende Flexodruckfarben zu transportieren, wobei im

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Dokument K6 explizit Pigmentpartikel in derartigen Farben bzw. Lacken genannt werden.

3.6.2

Angesichts der oben genannten Aufgabe ist es für den Fachmann offensichtlich naheliegend, entweder die Farbpumpen gemäß Dokument K2 oder die Farbpumpen gemäß Dokument K6 in dem Kammerrakelsystem gemäß Dokument K1 einzubauen, da er aus jedem der beiden Dokumente K2 und K6 unabhängig voneinander die Lehre entnehmen kann, wie die genannten speziellen problematischen Druckfarben innerhalb des Kammerrakelsystems problemlos transportiert werden können. Es ist dabei für die vorliegende Aufgabenstellung unerheblich, ob es sich wie im Dokument K6 um eine reine Flexodruckmaschine ohne Bezug zu einer Offsetdruckmaschine handelt, oder ob es sich wie im Dokument K2 um einen Flexodruckplattenzylinder mit der Zusatzfunktion eines Bogentransportzylinders bzw. um eine Art von Satellitendruckwerk bezüglich des Gegendruckzylinders "(36)" gemäß Figuren 1 und 2 aus K2 handelt. Entgegen der Argumentation der Patentinhaberin kann die Einspruchsabteilung daher nicht erkennen, daß der Fachmann durch die technische Lehre der Dokumente K2 oder K6 von der angegriffenen Erfindung weggeführt werden könnte. Durch die gleiche Problemstellung sowohl in K2 als auch in K6 in Bezug zur dargelegten Problemstellung des Streitpatents erhält der Fachmann nämlich geradezu einen direkten Hinweis darauf, die in K2 und K6 beschriebenen Farbpumpen zur Lösung seiner Aufgabe in dem Kammerrakelsystem innerhalb der Mehrfarbenoffsetdruckmaschine gemäß Dokument K1 vorzusehen.

3.6.3

Der Gegenstand des angegriffenen Anspruchs 1 ergibt sich damit in einer für den Fachmann naheliegenden Weise.

- 3.7 Die Einspruchsabteilung gelangt daher zur Schlußfolgerung, daß der Gegenstand des unabhängigen Anspruchs 1 des Streitpatents gegenüber dem bekanntgewordenen Stand der Technik, insbesondere gegenüber einer Kombination ausgehend von dem Dokument K1 in Verbindung entweder mit dem Dokument K2 oder in Verbindung mit dem Dokument K6, **keine erfinderische Tätigkeit** im Sinne des Artikels 56 EPÜ aufweist.



- 3.8 Die übrigen im Verlauf des Einspruchsverfahrens genannten Dokumente K3 und K5 werden von der Einspruchsabteilung als weniger relevant für die Beurteilung der erfinderischen Tätigkeit angesehen und können auch weder jeweils für sich allein betrachtet noch in irgendeiner Kombination zueinander oder mit den anderen im Einspruchsverfahren genannten Dokumenten K1, K2, K4, K6 und K7 einen Mangel an erfinderischer Tätigkeit des unabhängigen Anspruchs 1 nachweisen.

Deshalb besteht hier kein Bedarf für eine ausführlichere Abhandlung ihres Inhalts bezüglich des unabhängigen Anspruchs 1.

3.9 Abhängige Ansprüche 2 - 4:

Angesichts des vorliegenden Mangels an erfinderischer Tätigkeit des unabhängigen Anspruchs 1 sowie der Tatsache, daß kein Antrag der Patentinhaberin vorliegt, irgendein Merkmal irgendeines abhängigen Anspruchs in den unabhängigen Anspruch aufzunehmen, besteht hier kein Bedarf für eine eingehende Prüfung der erfinderischen Tätigkeit der vorliegenden Ansprüche 2 - 4.

6. Die Einsprechende und die Patentinhaberin hatten die Gelegenheit, sich zu allen Gründen, auf die die vorliegende Entscheidung aufgebaut ist, im Sinne des Artikels 113(1) EPÜ zu äußern.
7. Da der unabhängige Anspruch 1 in der erteilten Fassung des bestrittenen europäischen Patents Nr. 0 620 115 die Erfordernisse der Artikel 52 und 56 EPÜ (erfinderische Tätigkeit) wegen der oben angegebenen Gründe nicht erfüllt, war das europäische Patent im Sinne des Artikels 102(1) EPÜ zu widerrufen.

TECHNISCHE UNIVERSITÄT DUISBURG ESSEN

Anmeldenummer:

94 103 832.5

Patentnummer:

EP-B-0620115

Niederschrift über die mündliche Verhandlung vor der EINSPRUCHSABTEILUNG

Die Verhandlung war öffentlich.

Beginn der Verhandlung am 03.08.1999 um 10.00 Uhr

Mitglieder der Einspruchsabteilung:

Vorsitzender: THORMAEHLEN I A C
1. Mitglied: GREINER E F
2. Mitglied: AXTERS M E

Protokollführer: AXTERS M E

Anwesend als/für die/ Beteiligte/n/:

• RICHTER
für Patentinhaber/in: MAN Roland Druckmaschinen AG
in Begleitung von: STAHL

• STIEL
für Einsprechende(n) 1: KOENIG & BAUER Aktiengesellschaft

Der wesentliche Verlauf der mündlichen Verhandlung und rechtserhebliche Erklärungen der Beteiligten sind in den Anlagen (EPA Formblatt 2906) wiedergegeben.

- "Das europäische Patent wird widerrufen."**

Die/der Vorsitzende schloß die Verhandlung am 03.08.1999 um 11.30 Uhr.


AXTERS ME
Protokollführer/in

Anlage(n): Protokoll (Form 2906)



Anlage zur Niederschrift über die mündliche Verhandlung

Die Verhandlung wurde um 10.00 Uhr eröffnet.

Die Anträge der Parteien aus dem schriftlichen Verfahren wurden unverändert aufrechterhalten.

Die Vorsitzende teilte mit, daß im Laufe der Verhandlung entschieden wird, ob die nachgereichten Unterlagen K4 ("DruckIndustrie" 9001 St. Gallen, Nr. 5, 11.3.1993, "Nach Golde drängt, am Golde hängt doch alles...", Titelblatt, Impressum, Seiten 22-23), K5 (DE-A-4 122 990) und K6 (EP-A-0 499 382) im Einspruchsverfahren gemäß Art. 114(1) EPÜ berücksichtigt werden.

Danach folgte eine Diskussion über die erfinderische Tätigkeit des erteilten Anspruchs 1, die sich auf die Lehren der Dokumente K1 (Kopie aus der Zeitschrift "Offsetpraxis, 3/1993, Seiten 12-15), K2 (US-A-5 176 077), K4, K5 und K6 stützte. Die Patentinhaberin nannte weiterhin das Dokument K7 (Zeitschrift FlexoDruck, 2-93, Seiten 42-43), das in der Beschreibung des Streitpatents genannt ist. Im Laufe der Diskussion hat die Einsprechende weiterhin die Klarheit von Teilen des Anspruchs 1 sowie der Aufgabenstellung bemängelt.

Die Parteien stellten, auf Anfrage der Vorsitzenden, keine weiteren Anträge.

Die Verhandlung wurde zur Beratung der Einspruchsabteilung von 11.00 bis 11.29 Uhr unterbrochen.

Die Vorsitzende teilte den Parteien mit, daß die Dokumente K4, K5 und K6 ins Verfahren aufgenommen werden, daß die Klarheitseinwände keinen zulässigen Einspruchsgrund gemäß Art.100 EPÜ darstellen, und verkündete als Entscheidung, daß das Patent gemäß Art. 102(1) EPÜ widerrufen wird.

Die Verhandlung schloß um 11.30 Uhr.

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CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 6, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 20"
Appeal and Grounds for Appeal from MAN

Ch. König
(Christian König)

2000-10-06 14:44:44

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of
MR00644/DS/RW

Extension
2158

Date
Oct. 18, 1999

RE: European Patent application no. **94103832.5 – 2304 0620115 B**
“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the ruling on the revocation of the European patent of Aug. 25, 1999 pursuant to article 102(1) EPC.

Hereby, we file an

Appeal

against the revocation ruling of the Opposition Division of Aug. 25, 1999.

At the same time we request oral proceedings. The grounds for appeal will be submitted later.

Please debit the scheduled appeal fees in the amount of 1022.00 Euro to our current account No. 28000521 using the enclosed payment form.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

Chairman of the board.
Rudolf Rupprecht, Ph D.
Eng
Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2 of Tab 20 is trilingual. (The Translator)

09345796-000401

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D-80298 München
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European Patent Office

Boards of Appeal

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Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Oct. 25, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

The appeal against the ruling of the Opposition Division of the European Patent Office of Aug. 25, 99 that has been submitted by you in a written statement of Oct. 18, 99 has been forwarded to the Technical Board of Appeal 325.

The file number of the appeal is T0984/99-325.

We ask you to direct any further submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose extra copies of all submissions for the patent proprietor / opponent.

/signature/
Townend

Registry
Tel. (089)2399-

EPO form 2242 06 88				

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D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 60 60
97010 Würzburg
Germany

Date: Oct. 25, 99

Ref. 1P3.0620115	01	Application No./Patent No. 94103832.5 2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG		

The patent proprietor / ~~opponent~~
has filed an appeal against the ruling of the Opposition Division of the European Patent Office.

The appeal has the file number T0984/99-325.

We enclose a copy of the written appeal. A copy of the grounds for appeal will be forwarded to you after they have been submitted.

We ask you to direct any submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose duplicates of all submissions for the patent proprietor/ opponent.

/initial/

Tel. (089)2399-

Enclosure				
EPO form 3343 06.xx				

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

80298 München

Your reference: TO 984/99-325
Your letter of: Jan. 25, 1999
Our reference: MR00644/RI/PE
Our letter of:

Name: F.-P. Richter
Department: Patents/Licenses
Telephone: (069) 8305-2872
Facsimile: (069) 8305-1440
Email: Franz-Peter.Richter@mro.man.de

Date: December 23, 1999
Sent by fax Dec 23, 99

European Patent Application No **94103832.5-2304 / EP 0 620 115 B1**,
"Device for inline-coating of materials to be printed in offset printing machines"
Proprietor: MAN Roland Druckmaschinen AG
Appeal file number: **TO 984/99-325**

In a written statement of Oct. 18, 1999, the patent proprietor has filed an appeal against the revocation decision of the Opposition Division of Aug. 25, 1999.

Hereby we submit the grounds for appeal in the enclosure. The appellant requests to reverse the ruling of the Opposition Division, and to grant the patent in its entirety.

We will adhere to abbreviated document titles whenever such have already been in use in the opposition proceedings (see I. Statement of facts and motions, item 5.1).

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng
Board of directors:
Gerd Finkbeiner,
(Chairman)
Rainer Opferkuch, Ph.D.
Eng., Anton Weinmann,
Paul Steidle
District Court: Offenbach
Register of Companies
No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG, Offenbach/M Routing # 505
400 28 Account # 4 289 666
DE70 5054 0026 0428 9666 00, COBA DE FF 605
Dresdner Bank AG, Offenbach/M Routing # 505
800 05, Account # 5 082 821
DE10 5058 0005 0508 2821 00, DRES DE FF 505
Deutsche Bank AG, Offenbach/M Routing # 505
700 18, Account # 0 750 000
DE19 5057 0018 0000 7500 00, DEUT DE FF 605
Landeszentralbank, Offenbach/M Routing # 505
000 00, Account # 50 508 110
ZB HEDE F1 505
VAT Id # 811136557

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

In its ruling on the revocation of the aforesaid patent, the Opposition Division has confirmed that novelty pursuant to article 54 EPC is not a matter of dispute, but that the claimed subject matter does not contain any inventive steps as contemplated by article 56 EPC.

The following items refer to II. Grounds of opposition.

It is assumed that the document K1 (Offset Praxis 3/1993, pages 12-15) is the most closely related prior art, and it is established that K1 discloses that an additional coating unit is located directly or indirectly downstream of a coating unit that is upstream with respect to the sheet running direction (Item 3.3.1).

The patent proprietor did not share this view on the basis of K1 during the opposition proceedings, and still does not share it. Rather, it is correct, that it follows from K1 and K1a that at the company Busche in Dortmund was demonstrated a Fünffarben Roland 700 (with five ink printing stations) with two coating units located directly downstream, wherein each coating unit contains a form cylinder and a twin-roller unit as metering system.

Without discussing the configuration of the coating unit in more detail at this point, it does not follow from K1, that, in the sheet running direction, the second coating unit is located directly or indirectly downstream of the first coating unit. This view of the facts has been stated in retrospect, and does not correspond to the embodiments according to K1.

The grounds of opposition (item 3.3.2) assume, based on K1, that the coating unit that is positioned upstream, with respect to the sheet running direction, is configured as a flexo printing unit comprising the following elements:

- a relief form carrying form cylinder that is in contact with the impression cylinder,
- an applicator roller with screen structure, that is in contact with the form cylinder, and
- a positionable doctor blade chamber.

The appellant is of the opinion that the characteristic features of this cited configuration can not be inferred explicitly from K1. For example, K1 does not disclose that the, in sheet running direction, first coating unit is a flexo printing unit. Rather, one gathers from K1, page 14, middle column, last paragraph, that the R700 at the firm Busche contains two coating modules in addition to the ink printing units, and that a coating module contains the flexo printing unit, and that the second coating module is the true coating module. But from this one can not infer the configuration of the coating units with respect to the sheet running direction. Furthermore, in our opinion, the disclosure of K1 that is quoted in item 3.3.2 does not follow from the cited document passages K1, page 13, left column, second paragraph, and K1, page 14, right column.

In addition, one is referred to K4, page 22, right column, penultimate paragraph, which discloses a Fünffarben Roland 700 with two coating towers, wherein the first coating tower operates in flexo printing mode and the second coating tower is used for coating (K4, page 23, top left column).

Finally, pages 42 and 43 of K7 are cited.

Not from a single one of the cited documents can one infer the configuration of a flexo printing machine comprising the elements listed in the independent claim. Only in K1, page 13, lower right column, is it pointed out that experiments to employ an anilox roller and a doctor blade chamber will serve to optimize the process. This is confirmed in K4, page 23, lower middle column, and the author of the article further concludes: "Thus the trial phase has not ended yet. Short inking stations for gold printing?" Through this the author asks his professional audience how such a coating unit might be configured.

Item 3.3.3 lists the embodiments of K1 (trials still required) and K7 (the announced final version of doctor blade chamber / anilox roller). But K1 does not specify in what kind of coating unit (coating module) and in which configuration these elements are to be employed, or how they will interact.

It can be gathered from K1 and K4 that an overprint coating is applied onto the gold ink by means of a second coating unit (item 3.3.4). This statement of facts reflects only a partial aspect of the independent claim of the contested patent, since the subject matter of the contested patent deals with a much more universal process. In this respect, the characterizing feature of connecting the doctor blade chamber by means of a feed pump and a suction pump (item 3.3.5) is not the only distinguishing feature of the subject matter of the independent claim.

Based on the cited prior art, item 3.4 presents the problem of inline-coating of quickly-evaporating aqueous printing inks / print coatings, and in item 3.5 the Opposition Division follows the object definition that was put forward by the opponent and is limited to "... improving the known doctor blade chamber system with anilox roller in such a manner that a problem-free transport of the aforesaid special printing inks or print coatings can take place within the *per se* known doctor blade chamber system or a *per se* known flexo printing unit within a multi color offset printing machine".

This decision does not make large enough an allowance for the fact that the problem definition continues further, namely to create a coating capability, which can be implemented in combination with additional printing- or coating processes downstream. Rather, the Opposition Division sided with the opponent, since allegedly all characteristic features of the independent claim – except the connection of feed- and suction pumps - were already known from K1.

Item 3.6 cites the documents K2 and K6. The assumption that a person skilled in the art – starting from document K1- would start examining the documents K2 and K6 is not comprehensible. Indeed, the opponent does not introduce any convincing reasons that would support this. It is true that K2 describes a doctor blade chamber with a screen applicator roller, but the form cylinder carries a blanket (coating blanket 124).

Consequently, the system that is configured as a selectively operable device is not a flexo printing unit, as is the subject matter of the independent claim of the contested patent, but the system at hand is a planographic printing unit. It can not be inferred from K1 that it is possible to operate a doctor blade chamber with a supply- and return line and with feed- and suction pumps (circulating system). Neither K2 nor K6 prove or suggest that such a circulating system can be employed for the processing of quickly-evaporating aqueous printing inks / print coatings with high pigment content or coarse pigments (This is part of the problem definition of the contested patent).

It is therefore the opinion of the appellant, that the contested patent is by all means based on inventive steps.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

D. Stahl

F.-P. Richter

General power of
attorney 20809

General power of
attorney 36563

EPO
D-80298 München
Tel 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: May 16, 2000

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

File number T 0984 /99 -325

Please take note of the enclosed copy of

- ☐ the written statement by the patent proprietor of ____
☒ the written statement by the opponent 01 of May 10, 2000
☐ our written statement of ____

Michel Patin /signature/
Registry
Tel. (089) 23 99 -3261

Enclosures 1

By registered mail

Page 11 of Tab 20 is trilingual (The Translator)

THE COURT

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

Express Post

European Patent Office
Erhardtstr. 27

80331 Munich

Our references: 1P3.00620115/W-KL/00.0671/Sl/sa

Appeal file number T0984/99-325

Opposition against European patent EP000620115B1
European Patent application 94103832.5
Appellant : MAN Roland Druckmaschinen AG
Respondent : Koenig & Bauer Aktiengesellschaft

REGARDING THE COMMUNICATION OF JAN. 5, 2000

1. Motions

We request

- 1.1 to dismiss the appeal,
- 1.2 to uphold the Opposition Division's ruling on revocation of the aforesaid patent of Aug. 25, 1999, due to the contested patent not being based on inventive steps;
- 1.3 in the event that the filed motion can not be granted straight away, to issue an interlocutory communication to publicize the opinion of the Opposition Division to be formed after a provisional review.

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: 2000 05 10
Our reference: 1P3.0620115
Tel. (0931) 909- 44 30
Fax (0931) 909- 47 89
Your letter of Jan 5, 2000
Your reference 94103832.5-2304

Chairman of the board:
Peter Rempel
Board of directors
Reinhard Slewert, chairperson
Albrecht Bolza-Schünemann, Cert. Eng
Claus Bolza-Schünemann, Cert. Eng
Dieter Jensen, Cert. Eng
Frank Junker, Ph D. Eng
Andreas Mössner, Bachelor of Bus
Admin
Burkhard Roos,
Walter Schumacher, Cert. Eng

Registered office: Würzburg
Registrar of companies Würzburg
Commercial Registration B 109

Postbank Nürnberg
Routing number 760 100 85
Account no. 422-850
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

1.4 as alternative, to schedule oral proceedings, if the filed motion can not be granted during the written proceedings.

1.5 If the request for oral proceedings is granted, we request to schedule the beginning of the oral proceedings for 10:00 am.

2. Grounds

Since in our opinion the patent proprietor does not present any new facts in the grounds for appeal, we refer – to avoid repetitions– to the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999, and to the statement by the opponent of June 30, 1999.

Only in regard to K6, we refer explicitly to item 3.6.1 of the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999.

Koenig & Bauer Aktiengesellschaft

/signature/
pp. Stiel
General power of
attorney No. 36992

/signature/
per pro Schäfer

Enclosure:
1 duplicate of this letter

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA

TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961

E-MAIL: koenig@ipTranslation.com

October 6, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 20"

Appeal and Grounds for Appeal from MAN

Ch. König

(Christian König)

10-06-2000 09:45:44

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of
MR00644/DS/RW

Extension
2158

Date
Oct. 18, 1999

RE: European Patent application no. **94103832.5 – 2304 0620115 B**
“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the ruling on the revocation of the European patent of Aug. 25, 1999 pursuant to article 102(1) EPC.

Hereby, we file an

Appeal

against the revocation ruling of the Opposition Division of Aug. 25, 1999.

At the same time we request oral proceedings. The grounds for appeal will be submitted later.

Please debit the scheduled appeal fees in the amount of 1022.00 Euro to our current account No. 28000521 using the enclosed payment form.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.

Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
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Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2 of Tab 20 is trilingual. (The Translator)

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European Patent Office

Boards of Appeal

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Oct. 25, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

The appeal against the ruling of the Opposition Division of the European Patent Office of Aug. 25, 99 that has been submitted by you in a written statement of Oct. 18, 99 has been forwarded to the Technical Board of Appeal 325.

The file number of the appeal is T0984/99-325.

We ask you to direct any further submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose extra copies of all submissions for the patent proprietor / opponent.

/signature/
Townend

Registry
Tel. (089)2399-

EPO form 2242 06.88				
---------------------	--	--	--	--

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D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 60 60
97010 Würzburg
Germany

Date: Oct. 25, 99

Ref. 1P3.0620115	01	Application No./Patent No. 94103832.5 2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG		

The patent proprietor / ~~opponent~~
has filed an appeal against the ruling of the Opposition Division of the European Patent Office.

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Furthermore, we ask you in view of rule 36(4) EPC to enclose duplicates of all submissions for the patent proprietor/ opponent.

/initial/

Tel. (089)2399-

Enclosure				
EPO form 3343 06.xx				

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

80298 München

Your reference: TO 984/99-325
Your letter of: Jan. 25, 1999
Our reference: MR00644/RI/PE
Our letter of:

Name: F.-P. Richter
Department: Patents/Licenses
Telephone: (069) 8305-2872
Facsimile: (069) 8305-1440
Email: Franz-Peter.Richter@mro.man.de

Date: December 23, 1999
Sent by fax Dec 23, 99

European Patent Application No **94103832.5-2304 / EP 0 620 115 B1**,
"Device for inline-coating of materials to be printed in offset printing machines"
Proprietor: MAN Roland Druckmaschinen AG
Appeal file number: **TO 984/99-325**

In a written statement of Oct. 18, 1999, the patent proprietor has filed an appeal against the revocation decision of the Opposition Division of Aug. 25, 1999.

Hereby we submit the grounds for appeal in the enclosure. The appellant requests to reverse the ruling of the Opposition Division, and to grant the patent in its entirety.

We will adhere to abbreviated document titles whenever such have already been in use in the opposition proceedings (see I. Statement of facts and motions, item 5.1).

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.
Board of directors:
Gerd Finkbeiner,
(Chairman)
Rainer Opferkuch, Ph.D.
Eng., Anton Weinmann,
Paul Steidle,
District Court: Offenbach
Register of Companies
No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG, Offenbach/M. Routing # 505
400 28 Account # 4 289 666
DE70 5054 0026 0428 9666 00, COBA DE FF 605
Dresdner Bank AG, Offenbach/M. Routing # 505
800 05, Account # 5 082 821
DE10 5058 0005 0508 2821 00, DRES DE FF 505
Deutsche Bank AG, Offenbach/M. Routing # 505
700 18, Account # 0 750 000
DE19 5057 0018 0000 7500 00, DEUT DE FF 605
Landeszentralbank, Offenbach/M. Routing # 505
000 00, Account # 50 508 110
ZB HEDE FI 505
VAT Id # 811136557

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 34 I
D-63075 Offenbach/Main
P.O. box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

TO 984/99-325

In its ruling on the revocation of the aforesaid patent, the Opposition Division has confirmed that novelty pursuant to article 54 EPC is not a matter of dispute, but that the claimed subject matter does not contain any inventive steps as contemplated by article 56 EPC.

The following items refer to II. Grounds of opposition.

It is assumed that the document K1 (Offset Praxis 3/1993, pages 12-15) is the most closely related prior art, and it is established that K1 discloses that an additional coating unit is located directly or indirectly downstream of a coating unit that is upstream with respect to the sheet running direction (Item 3.3.1).

The patent proprietor did not share this view on the basis of K1 during the opposition proceedings, and still does not share it. Rather, it is correct, that it follows from K1 and K1a that at the company Busche in Dortmund was demonstrated a Fünffarben Roland 700 (with five ink printing stations) with two coating units located directly downstream, wherein each coating unit contains a form cylinder and a twin-roller unit as metering system.

Without discussing the configuration of the coating unit in more detail at this point, it does not follow from K1, that, in the sheet running direction, the second coating unit is located directly or indirectly downstream of the first coating unit. This view of the facts has been stated in retrospect, and does not correspond to the embodiments according to K1.

The grounds of opposition (item 3.3.2) assume, based on K1, that the coating unit that is positioned upstream, with respect to the sheet running direction, is configured as a flexo printing unit comprising the following elements:

- a relief form carrying form cylinder that is in contact with the impression cylinder,
- an applicator roller with screen structure, that is in contact with the form cylinder, and
- a positionable doctor blade chamber.

Figure 1 consists of three vertically stacked panels, each showing the evolution of the Ly-alpha forest transmission T as a function of redshift z . The x-axis for all panels is redshift z , ranging from 0 to 6. The y-axis for all panels is transmission T , ranging from 0 to 1.0. The top panel shows data points from various studies (e.g., Ly-alpha forest transmission) and theoretical curves for different models. The middle panel shows data points and theoretical curves for different models. The bottom panel shows data points and theoretical curves for different models.

Not from a single one of the cited documents can one infer the configuration of a flexo printing machine comprising the elements listed in the independent claim. Only in K1, page 13, lower right column, is it pointed out that experiments to employ an anilox roller and a doctor blade chamber will serve to optimize the process. This is confirmed in K4, page 23, lower middle column, and the author of the article further concludes: "Thus the trial phase has not ended yet. Short inking stations for gold printing?" Through this the author asks his professional audience how such a coating unit might be configured.

Item 3.3.3 lists the embodiments of K1 (trials still required) and K7 (the announced final version of doctor blade chamber / anilox roller). But K1 does not specify in what kind of coating unit (coating module) and in which configuration these elements are to be employed, or how they will interact.

It can be gathered from K1 and K4 that an overprint coating is applied onto the gold ink by means of a second coating unit (item 3.3.4). This statement of facts reflects only a partial aspect of the independent claim of the contested patent, since the subject matter of the contested patent deals with a much more universal process. In this respect, the characterizing feature of connecting the doctor blade chamber by means of a feed pump and a suction pump (item 3.3.5) is not the only distinguishing feature of the subject matter of the independent claim.

Based on the cited prior art, item 3.4 presents the problem of inline-coating of quickly-evaporating aqueous printing inks / print coatings, and in item 3.5 the Opposition Division follows the object definition that was put forward by the opponent and is limited to "... improving the known doctor blade chamber system with anilox roller in such a manner that a problem-free transport of the aforesaid special printing inks or print coatings can take place within the *per se* known doctor blade chamber system or a *per se* known flexo printing unit within a multi color offset printing machine".

This decision does not make large enough an allowance for the fact that the problem definition continues further, namely to create a coating capability, which can be implemented in combination with additional printing- or coating processes downstream. Rather, the Opposition Division sided with the opponent, since allegedly all characteristic features of the independent claim – except the connection of feed- and suction pumps - were already known from K1.

Item 3.6 cites the documents K2 and K6. The assumption that a person skilled in the art – starting from document K1 - would start examining the documents K2 and K6 is not comprehensible. Indeed, the opponent does not introduce any convincing reasons that would support this. It is true that K2 describes a doctor blade chamber with a screen applicator roller, but the form cylinder carries a blanket (coating blanket 124).

T 01350-9045160

Consequently, the system that is configured as a selectively operable device is not a flexo printing unit, as is the subject matter of the independent claim of the contested patent, but the system at hand is a planographic printing unit. It can not be inferred from K1 that it is possible to operate a doctor blade chamber with a supply- and return line and with feed- and suction pumps (circulating system). Neither K2 nor K6 prove or suggest that such a circulating system can be employed for the processing of quickly-evaporating aqueous printing inks / print coatings with high pigment content or coarse pigments (This is part of the problem definition of the contested patent).

It is therefore the opinion of the appellant, that the contested patent is by all means based on inventive steps.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

D. Stahl

F.-P. Richter

General power of
attorney 20809

General power of
attorney 36563

2025-01-24 10:10:10

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: May 16, 2000

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

File number T 0984 /99 -325

Please take note of the enclosed copy of

- ☐ the written statement by the patent proprietor of ____
☒ the written statement by the opponent 01 of May 10, 2000
☐ our written statement of ____

Michel Patin /signature/
Registry
Tel. (089) 23 99 -3261

Enclosures 1

By registered mail

Page No.	Page No.
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100	100

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

Express Post

European Patent Office
Erhardtstr. 27

80331 Munich

Our references: 1P3.00620115/W-KL/00.0671/Sl/sa

Appeal file number T0984/99-325

Opposition against European patent EP000620115B1
European Patent application 94103832.5
Appellant : MAN Roland Druckmaschinen AG
Respondent : Koenig & Bauer Aktiengesellschaft

REGARDING THE COMMUNICATION OF JAN. 5, 2000

1. Motions

We request

- 1.1 to dismiss the appeal,
- 1.2 to uphold the Opposition Division's ruling on revocation of the aforesaid patent of Aug. 25, 1999, due to the contested patent not being based on inventive steps;
- 1.3 in the event that the filed motion can not be granted straight away, to issue an interlocutory communication to publicize the opinion of the Opposition Division to be formed after a provisional review.

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: 2000.05.10
Our reference: 1P3.0620115
Tel. (0931) 909- 44 30
Fax (0931) 909- 47 89
Your letter of Jan. 5, 2000
Your reference 94103832.5-2304

Chairman of the board:
Peter Rempel
Board of directors:
Reinhart Siewert, chairperson
Albrecht Bolza-Schünemann, Cert. Eng.
Claus Bolza-Schünemann, Cert. Eng.
Dieter Jensen, Cert. Eng.
Frank Junker, Ph D Eng.
Andreas Mössner, Bachelor. of Bus.
Admin
Burkhard Roos,
Walter Schumacher, Cert. Eng.

Registered office: Würzburg
Registrar of companies Würzburg
Commercial Registration B 109

Postbank Nürnberg
Routing number 760 100 85
Account no. 422-850
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

0941596-05440
T0984/99-325

- 1.4 as alternative, to schedule oral proceedings, if the filed motion can not be granted during the written proceedings.
- 1.5 If the request for oral proceedings is granted, we request to schedule the beginning of the oral proceedings for 10:00 am.

2. Grounds

Since in our opinion the patent proprietor does not present any new facts in the grounds for appeal, we refer – to avoid repetitions– to the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999, and to the statement by the opponent of June 30, 1999.

Only in regard to K6, we refer explicitly to item 3.6.1 of the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999.

Koenig & Bauer Aktiengesellschaft

/signature/
pp. Stiel
General power of
attorney No. 36992

/signature/
per pro Schäfer

Enclosure:
1 duplicate of this letter

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE
1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA
TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961
E-MAIL: koenig@ipTranslation.com

October 6, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 20"
Appeal and Grounds for Appeal from MAN

Ch. König

(Christian König)

11/11/2000 11:11:11 AM

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of
MR00644/DS/RW

Extension
2158

Date
Oct. 18, 1999

RE: European Patent application no. **94103832.5 – 2304 0620115 B**
“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the ruling on the revocation of the European patent of Aug. 25, 1999 pursuant to article 102(1) EPC.

Hereby, we file an

Appeal

against the revocation ruling of the Opposition Division of Aug. 25, 1999.

At the same time we request oral proceedings. The grounds for appeal will be submitted later.

Please debit the scheduled appeal fees in the amount of 1022.00 Euro to our current account No. 28000521 using the enclosed payment form.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.

Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P.O. box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2 of Tab 20 is trilingual. (The Translator)

9/16/2020 10:23:20

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European Patent Office

Boards of Appeal

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Oct. 25, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

The appeal against the ruling of the Opposition Division of the European Patent Office of Aug. 25, 99 that has been submitted by you in a written statement of Oct. 18, 99 has been forwarded to the Technical Board of Appeal 325.

The file number of the appeal is T0984/99-325.

We ask you to direct any further submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose extra copies of all submissions for the patent proprietor / opponent.

/signature/
Townend

Registry
Tel. (089)2399-

EPO form 2242 06.88				

EPO
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Tel. 069/2399-0
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Fax 069/2300-4465

European Patent Office

Boards of Appeal

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 60 60
97010 Würzburg
Germany

Date: Oct. 25, 99

Ref. 1P3.0620115	01	Application No./Patent No. 94103832.5 2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG		

The patent proprietor / ~~opponent~~
has filed an appeal against the ruling of the Opposition Division of the European Patent Office.

The appeal has the file number T0984/99-325.

We enclose a copy of the written appeal. A copy of the grounds for appeal will be forwarded to you after they have been submitted.

We ask you to direct any submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose duplicates of all submissions for the patent proprietor/ opponent.

/initial/

Tel. (089)2399-

Enclosure				
EPO form 3343 06.xx				

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

80298 München

Your reference: TO 984/99-325
Your letter of: Jan. 25, 1999
Our reference: MR00644/RI/PE
Our letter of:

Name: F.-P. Richter
Department: Patents/Licenses
Telephone: (069) 8305-2872
Facsimile: (069) 8305-1440
Email: Franz-Peter_Richter@mro.man.de

Date: December 23, 1999
Sent by fax Dec 23, 99

European Patent Application No **94103832.5-2304 / EP 0 620 115 B1**,
"Device for inline-coating of materials to be printed in offset printing machines"
Proprietor: MAN Roland Druckmaschinen AG
Appeal file number: **TO 984/99-325**

In a written statement of Oct. 18, 1999, the patent proprietor has filed an appeal against the revocation decision of the Opposition Division of Aug. 25, 1999.

Hereby we submit the grounds for appeal in the enclosure. The appellant requests to reverse the ruling of the Opposition Division, and to grant the patent in its entirety.

We will adhere to abbreviated document titles whenever such have already been in use in the opposition proceedings (see I. Statement of facts and motions, item 5.1).

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.
Board of directors:
Gerd Finkbeiner,
(Chairman)
Rainer Opferkuch, Ph.D.
Eng., Anton Weinmann,
Paul Steidle.
District Court: Offenbach
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000 00, Account # 50 508 110
ZB HEDE F1 505
VAT Id # 811136557

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
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Fax: (069) 8305-1440

In its ruling on the revocation of the aforesaid patent, the Opposition Division has confirmed that novelty pursuant to article 54 EPC is not a matter of dispute, but that the claimed subject matter does not contain any inventive steps as contemplated by article 56 EPC.

The following items refer to II. Grounds of opposition.

It is assumed that the document K1 (Offset Praxis 3/1993, pages 12-15) is the most closely related prior art, and it is established that K1 discloses that an additional coating unit is located directly or indirectly downstream of a coating unit that is upstream with respect to the sheet running direction (Item 3.3.1).

The patent proprietor did not share this view on the basis of K1 during the opposition proceedings, and still does not share it. Rather, it is correct, that it follows from K1 and K1a that at the company Busche in Dortmund was demonstrated a Fünffarben Roland 700 (with five ink printing stations) with two coating units located directly downstream, wherein each coating unit contains a form cylinder and a twin-roller unit as metering system.

Without discussing the configuration of the coating unit in more detail at this point, it does not follow from K1, that, in the sheet running direction, the second coating unit is located directly or indirectly downstream of the first coating unit. This view of the facts has been stated in retrospect, and does not correspond to the embodiments according to K1.

The grounds of opposition (item 3.3.2) assume, based on K1, that the coating unit that is positioned upstream, with respect to the sheet running direction, is configured as a flexo printing unit comprising the following elements:

- a relief form carrying form cylinder that is in contact with the impression cylinder,
- an applicator roller with screen structure, that is in contact with the form cylinder, and
- a positionable doctor blade chamber.

The appellant is of the opinion that the characteristic features of this cited configuration can not be inferred explicitly from K1. For example, K1 does not disclose that the, in sheet running direction, first coating unit is a flexo printing unit. Rather, one gathers from K1, page 14, middle column, last paragraph, that the R700 at the firm Busche contains two coating modules in addition to the ink printing units, and that a coating module contains the flexo printing unit, and that the second coating module is the true coating module. But from this one can not infer the configuration of the coating units with respect to the sheet running direction. Furthermore, in our opinion, the disclosure of K1 that is quoted in item 3.3.2 does not follow from the cited document passages K1, page 13, left column, second paragraph, and K1, page 14, right column.

In addition, one is referred to K4, page 22, right column, penultimate paragraph, which discloses a Fünffarben Roland 700 with two coating towers, wherein the first coating tower operates in flexo printing mode and the second coating tower is used for coating (K4, page 23, top left column).

Finally, pages 42 and 43 of K7 are cited.

Not from a single one of the cited documents can one infer the configuration of a flexo printing machine comprising the elements listed in the independent claim. Only in K1, page 13, lower right column, is it pointed out that experiments to employ an anilox roller and a doctor blade chamber will serve to optimize the process. This is confirmed in K4, page 23, lower middle column, and the author of the article further concludes: "Thus the trial phase has not ended yet. Short inking stations for gold printing?" Through this the author asks his professional audience how such a coating unit might be configured.

Item 3.3.3 lists the embodiments of K1 (trials still required) and K7 (the announced final version of doctor blade chamber / anilox roller). But K1 does not specify in what kind of coating unit (coating module) and in which configuration these elements are to be employed, or how they will interact.

TECHNICAL STAFF

It can be gathered from K1 and K4 that an overprint coating is applied onto the gold ink by means of a second coating unit (item 3.3.4). This statement of facts reflects only a partial aspect of the independent claim of the contested patent, since the subject matter of the contested patent deals with a much more universal process. In this respect, the characterizing feature of connecting the doctor blade chamber by means of a feed pump and a suction pump (item 3.3.5) is not the only distinguishing feature of the subject matter of the independent claim.

Based on the cited prior art, item 3.4 presents the problem of inline-coating of quickly-evaporating aqueous printing inks / print coatings, and in item 3.5 the Opposition Division follows the object definition that was put forward by the opponent and is limited to "... improving the known doctor blade chamber system with anilox roller in such a manner that a problem-free transport of the aforesaid special printing inks or print coatings can take place within the *per se* known doctor blade chamber system or a *per se* known flexo printing unit within a multi color offset printing machine".

This decision does not make large enough an allowance for the fact that the problem definition continues further, namely to create a coating capability, which can be implemented in combination with additional printing- or coating processes downstream. Rather, the Opposition Division sided with the opponent, since allegedly all characteristic features of the independent claim – except the connection of feed- and suction pumps - were already known from K1.

Item 3.6 cites the documents K2 and K6. The assumption that a person skilled in the art – starting from document K1- would start examining the documents K2 and K6 is not comprehensible. Indeed, the opponent does not introduce any convincing reasons that would support this. It is true that K2 describes a doctor blade chamber with a screen applicator roller, but the form cylinder carries a blanket (coating blanket 124).

TELETYPE UNIT

Consequently, the system that is configured as a selectively operable device is not a flexo printing unit, as is the subject matter of the independent claim of the contested patent, but the system at hand is a planographic printing unit. It can not be inferred from K1 that it is possible to operate a doctor blade chamber with a supply- and return line and with feed- and suction pumps (circulating system). Neither K2 nor K6 prove or suggest that such a circulating system can be employed for the processing of quickly-evaporating aqueous printing inks / print coatings with high pigment content or coarse pigments (This is part of the problem definition of the contested patent).

It is therefore the opinion of the appellant, that the contested patent is by all means based on inventive steps.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

D. Stahl

F.-P. Richter

General power of
attorney 20809

General power of
attorney 36563

MAN Roland Druckmaschinen AG

EPO
D-80298 München
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TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

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c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
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63012 Offenbach
Germany

Date: May 16, 2000

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

File number T 0984 /99 -325

Please take note of the enclosed copy of

- ☐ the written statement by the patent proprietor of ____
- ☒ the written statement by the opponent 01 of May 10, 2000
- ☐ our written statement of ____

Michel Patin /signature/
Registry
Tel. (089) 23 99 -3261

Enclosures 1

By registered mail

Country	Year	Population (millions)	Urban population (millions)	Urban population (%)	Population density (per sq km)	Urban population density (per sq km)	Population growth rate (%)	Urban population growth rate (%)	Population growth rate (1950-1975) (%)	Urban population growth rate (1950-1975) (%)	Population growth rate (1975-1985) (%)	Urban population growth rate (1975-1985) (%)
Algeria	1975	12.1	4.1	33.9	10.1	24.9	2.1	3.1	2.1	3.1	2.1	3.1
Algeria	1985	13.1	4.6	35.1	10.6	25.6	2.6	3.6	2.6	3.6	2.6	3.6
Algeria	1995	14.1	5.1	36.2	11.1	26.1	3.1	4.1	3.1	4.1	3.1	4.1
Algeria	2005	15.1	5.6	37.1	11.6	27.1	3.6	4.6	3.6	4.6	3.6	4.6
Algeria	2015	16.1	6.1	37.9	12.1	28.1	4.1	5.1	4.1	5.1	4.1	5.1
Algeria	2025	17.1	6.6	38.6	12.6	29.1	4.6	5.6	4.6	5.6	4.6	5.6
Algeria	2035	18.1	7.1	39.2	13.1	30.1	5.1	6.1	5.1	6.1	5.1	6.1
Algeria	2045	19.1	7.6	39.8	13.6	31.1	5.6	6.6	5.6	6.6	5.6	6.6
Algeria	2055	20.1	8.1	40.3	14.1	32.1	6.1	7.1	6.1	7.1	6.1	7.1
Algeria	2065	21.1	8.6	40.8	14.6	33.1	6.6	7.6	6.6	7.6	6.6	7.6
Algeria	2075	22.1	9.1	41.2	15.1	34.1	7.1	8.1	7.1	8.1	7.1	8.1
Algeria	2085	23.1	9.6	41.6	15.6	35.1	7.6	8.6	7.6	8.6	7.6	8.6
Algeria	2095	24.1	10.1	42.0	16.1	36.1	8.1	9.1	8.1	9.1	8.1	9.1
Algeria	2105	25.1	10.6	42.4	16.6	37.1	8.6	9.6	8.6	9.6	8.6	9.6
Algeria	2115	26.1	11.1	42.7	17.1	38.1	9.1	10.1	9.1	10.1	9.1	10.1
Algeria	2125	27.1	11.6	43.0	17.6	39.1	9.6	10.6	9.6	10.6	9.6	10.6
Algeria	2135	28.1	12.1	43.3	18.1	40.1	10.1	11.1	10.1	11.1	10.1	11.1
Algeria	2145	29.1	12.6	43.6	18.6	41.1	10.6	11.6	10.6	11.6	10.6	11.6
Algeria	2155	30.1	13.1	43.9	19.1	42.1	11.1	12.1	11.1	12.1	11.1	12.1
Algeria	2165	31.1	13.6	44.2	19.6	43.1	11.6	12.6	11.6	12.6	11.6	12.6
Algeria	2175	32.1	14.1	44.5	20.1	44.1	12.1	13.1	12.1	13.1	12.1	13.1
Algeria	2185	33.1	14.6	44.8	20.6	45.1	12.6	13.6	12.6	13.6	12.6	13.6
Algeria	2195	34.1	15.1	45.1	21.1	46.1	13.1	14.1	13.1	14.1	13.1	14.1
Algeria	2205	35.1	15.6	45.4	21.6	47.1	13.6	14.6	13.6	14.6	13.6	14.6
Algeria	2215	36.1	16.1	45.7	22.1	48.1	14.1	15.1	14.1	15.1	14.1	15.1
Algeria	2225	37.1	16.6	46.0	22.6	49.1	14.6	15.6	14.6	15.6	14.6	15.6
Algeria	2235	38.1	17.1	46.3	23.1	50.1	15.1	16.1	15.1	16.1	15.1	16.1
Algeria	2245	39.1	17.6	46.6	23.6	51.1	15.6	16.6	15.6	16.6	15.6	16.6
Algeria	2255	40.1	18.1	46.9	24.1	52.1	16.1	17.1	16.1	17.1	16.1	17.1
Algeria	2265	41.1	18.6	47.2	2							

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

Express Post

European Patent Office
Erhardtstr. 27

80331 Munich

Our references: 1P3.00620115/W-KL/00.0671/Sl/sa

Appeal file number T0984/99-325

Opposition against European patent EP000620115B1
European Patent application 94103832.5
Appellant : MAN Roland Druckmaschinen AG
Respondent : Koenig & Bauer Aktiengesellschaft

REGARDING THE COMMUNICATION OF JAN. 5, 2000

1. Motions

We request

- 1.1 to dismiss the appeal,
- 1.2 to uphold the Opposition Division's ruling on revocation of the aforesaid patent of Aug. 25, 1999, due to the contested patent not being based on inventive steps;
- 1.3 in the event that the filed motion can not be granted straight away, to issue an interlocutory communication to publicize the opinion of the Opposition Division to be formed after a provisional review.

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: 2000.05.10
Our reference: 1P3.0620115
Tel. (0931) 909- 44 30
Fax (0931) 909- 47 89
Your letter of Jan. 5, 2000
Your reference 94103832.5-2304

Chairman of the board:
Peter Rempel
Board of directors
Reinhart Slewert, chairperson
Albrecht Bolza-Schünemann, Cert Eng
Claus Bolza-Schünemann, Cert Eng
Dieter Jensen, Cert Eng
Frank Junker, Ph.D Eng.
Andreas Mössner, Bachelor of Bus
Admin
Burkhard Roos,
Walter Schumacher, Cert. Eng

Registered office: Würzburg
Registrar of companies Würzburg
Commercial Registration B 109

Postbank Nürnberg
Routing number 760 100 85
Account no. 422-850
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

- 1.4 as alternative, to schedule oral proceedings, if the filed motion can not be granted during the written proceedings.
- 1.5 If the request for oral proceedings is granted, we request to schedule the beginning of the oral proceedings for 10:00 am.

2. Grounds

Since in our opinion the patent proprietor does not present any new facts in the grounds for appeal, we refer – to avoid repetitions– to the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999, and to the statement by the opponent of June 30, 1999.

Only in regard to K6, we refer explicitly to item 3.6.1 of the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999.

Koenig & Bauer Aktiengesellschaft

/signature/
pp. Stiel
General power of
attorney No. 36992

/signature/
per pro Schäfer

Enclosure:
1 duplicate of this letter

CHRISTIAN H.B. KÖNIG
GERMAN TRANSLATION SERVICE

1541 EAST 10TH AVE, VANCOUVER BC, V5N 1X6 CANADA

TELEPHONE: (604) 876-9955 FACSIMILE: (604) 876-9961

E-MAIL: koenig@ipTranslation.com

October 6, 2000

I, Christian König, hereby swear, under penalty of perjury, that the attached document was translated by me and to the best of my knowledge and belief is a true and accurate translation of the corresponding German document:

"Tab 20"

Appeal and Grounds for Appeal from MAN

Ch. König

(Christian König)

TEH-20-96-03-1E60

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

D-80298 München

Your reference, your message of

Our references, our message of
MR00644/DS/RW

Extension
2158

Date
Oct. 18, 1999

RE: European Patent application no. **94103832.5 – 2304 0620115 B**

“Device for inline-coating of materials to be printed in offset printing machines”

Regarding the ruling on the revocation of the European patent of Aug. 25, 1999 pursuant to article 102(1) EPC.

Hereby, we file an

Appeal

against the revocation ruling of the Opposition Division of Aug. 25, 1999.

At the same time we request oral proceedings. The grounds for appeal will be submitted later.

Please debit the scheduled appeal fees in the amount of 1022.00 Euro to our current account No. 28000521 using the enclosed payment form.

MAN Roland Druckmaschinen AG

Per pro

pp.

/signature/

/signature/

Stahl

Richter

General power of
attorney 20809

General power of
attorney 36563

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.

Board of directors:
Gerd Finkbeiner, Martin
Lange, Rainer
Opferkuch, Ph.D. Eng.,
Anton Weinmann
District Court:
Offenbach Register of
Companies No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG,
Offenbach/M.
Dresdner Bank AG,
Offenbach/M.
Deutsche Bank AG,
Offenbach/M.
Landeszentralbank,
Offenbach/M.
VAT Id # 611136557

Routing # 605 400 26
Account # 4 289 666
Routing # 505 800 05
Account # 5 082 821
Routing # 505 700 18
Account # 0 750 000
Routing # 505 000 00
Account # 50 508 110

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

Page 2 of Tab 20 is trilingual. (The Translator)

031194-02441
77420-2569750

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

COPY

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: Oct. 25, 99

Ref. JMa/GScho	Application No./Patent No. 94103832.5 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

The appeal against the ruling of the Opposition Division of the European Patent Office of Aug. 25, 99 that has been submitted by you in a written statement of Oct. 18, 99 has been forwarded to the Technical Board of Appeal 325.

The file number of the appeal is T0984/99-325.

We ask you to direct any further submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose extra copies of all submissions for the patent proprietor / opponent.

/signature/
Townend

Registry
Tel. (089)2399-

EPO form 2242 06.88				
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EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

COPY

KOENIG & BAUER Aktiengesellschaft
Postfach 60 60
97010 Würzburg
Germany

Date: Oct. 25, 99

Ref. 1P3.0620115	01	Application No./Patent No. 94103832.5 2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG		

The patent proprietor / ~~opponent~~
has filed an appeal against the ruling of the Opposition Division of the European Patent Office.

The appeal has the file number T0984/99-325.

We enclose a copy of the written appeal. A copy of the grounds for appeal will be forwarded to you after they have been submitted.

We ask you to direct any submissions in this matter to the Directorate General 3 (Appeals) of the European Patent Office in Munich, quoting the above file number.

Furthermore, we ask you in view of rule 36(4) EPC to enclose duplicates of all submissions for the patent proprietor/ opponent.

/initial/

Tel. (089)2399-

Enclosure				
EPO form 3343 06.xx				

**MAN
ROLAND**

MAN Roland Druckmaschinen AG

Product segment
Sheet-fed machines
Offenbach/Main

European Patent Office

80298 München

Your reference: TO 984/99-325
Your letter of: Jan. 25, 1999
Our reference: MR00644/RI/PE
Our letter of:

Name: F.-P. Richter
Department: Patents/Licenses
Telephone: (069) 8305-2872
Facsimile: (069) 8305-1440
Email: Franz-Peter.Richter@mro.man.de

Date: December 23, 1999
Sent by fax Dec 23, 99

European Patent Application No **94103832.5-2304 / EP 0 620 115 B1**,
"Device for inline-coating of materials to be printed in offset printing machines"
Proprietor: MAN Roland Druckmaschinen AG
Appeal file number: **TO 984/99-325**

In a written statement of Oct. 18, 1999, the patent proprietor has filed an appeal against the revocation decision of the Opposition Division of Aug. 25, 1999.

Hereby we submit the grounds for appeal in the enclosure. The appellant requests to reverse the ruling of the Opposition Division, and to grant the patent in its entirety.

We will adhere to abbreviated document titles whenever such have already been in use in the opposition proceedings (see I. Statement of facts and motions, item 5.1).

Chairman of the board:
Rudolf Rupprecht, Ph.D.
Eng.
Board of directors:
Gerd Finkbeiner,
(Chairman)
Rainer Opferkuch, Ph.D.
Eng., Anton Weinmann,
Paul Steidle.
District Court: Offenbach
Register of Companies
No. 5137
Registered Office:
Offenbach/Main

Commerzbank AG, Offenbach/M Routing # 505
400 28 Account # 4 289 666
DE70 5054 0026 0428 9666 00, COBA DE FF 605
Dresdner Bank AG, Offenbach/M Routing # 505
800 05, Account # 5 082 821
DE10 5058 0005 0508 2821 00, DRES DE FF 505
Deutsche Bank AG, Offenbach/M Routing # 505
700 18, Account # 0 750 000
DE19 5057 0018 0000 7500 00, DEUT DE FF 605
Landeszentralbank, Offenbach/M Routing # 505
000 00, Account # 50 508 110
ZB HEDE F1 505
VAT Id # 811136557

MAN Roland
Druckmaschinen AG
Mühlheimer Strasse 341
D-63075 Offenbach/Main
P O box 10 12 64
D-63012 Offenbach/Main
Tel: (069) 8305-0
Telex 4152853 mro d
Fax: (069) 8305-1440

In its ruling on the revocation of the aforesaid patent, the Opposition Division has confirmed that novelty pursuant to article 54 EPC is not a matter of dispute, but that the claimed subject matter does not contain any inventive steps as contemplated by article 56 EPC.

The following items refer to II. Grounds of opposition.

It is assumed that the document K1 (Offset Praxis 3/1993, pages 12-15) is the most closely related prior art, and it is established that K1 discloses that an additional coating unit is located directly or indirectly downstream of a coating unit that is upstream with respect to the sheet running direction (Item 3.3.1).

The patent proprietor did not share this view on the basis of K1 during the opposition proceedings, and still does not share it. Rather, it is correct, that it follows from K1 and K1a that at the company Busche in Dortmund was demonstrated a Fünffarben Roland 700 (with five ink printing stations) with two coating units located directly downstream, wherein each coating unit contains a form cylinder and a twin-roller unit as metering system.

Without discussing the configuration of the coating unit in more detail at this point, it does not follow from K1, that, in the sheet running direction, the second coating unit is located directly or indirectly downstream of the first coating unit. This view of the facts has been stated in retrospect, and does not correspond to the embodiments according to K1.

The grounds of opposition (item 3.3.2) assume, based on K1, that the coating unit that is positioned upstream, with respect to the sheet running direction, is configured as a flexo printing unit comprising the following elements:

- a relief form carrying form cylinder that is in contact with the impression cylinder,
- an applicator roller with screen structure, that is in contact with the form cylinder, and
- a positionable doctor blade chamber.

The appellant is of the opinion that the characteristic features of this cited configuration can not be inferred explicitly from K1. For example, K1 does not disclose that the, in sheet running direction, first coating unit is a flexo printing unit. Rather, one gathers from K1, page 14, middle column, last paragraph, that the R700 at the firm Busche contains two coating modules in addition to the ink printing units, and that a coating module contains the flexo printing unit, and that the second coating module is the true coating module. But from this one can not infer the configuration of the coating units with respect to the sheet running direction. Furthermore, in our opinion, the disclosure of K1 that is quoted in item 3.3.2 does not follow from the cited document passages K1, page 13, left column, second paragraph, and K1, page 14, right column.

In addition, one is referred to K4, page 22, right column, penultimate paragraph, which discloses a Fünffarben Roland 700 with two coating towers, wherein the first coating tower operates in flexo printing mode and the second coating tower is used for coating (K4, page 23, top left column).

Finally, pages 42 and 43 of K7 are cited.

Not from a single one of the cited documents can one infer the configuration of a flexo printing machine comprising the elements listed in the independent claim. Only in K1, page 13, lower right column, is it pointed out that experiments to employ an anilox roller and a doctor blade chamber will serve to optimize the process. This is confirmed in K4, page 23, lower middle column, and the author of the article further concludes: "Thus the trial phase has not ended yet. Short inking stations for gold printing?" Through this the author asks his professional audience how such a coating unit might be configured.

Item 3.3.3 lists the embodiments of K1 (trials still required) and K7 (the announced final version of doctor blade chamber / anilox roller). But K1 does not specify in what kind of coating unit (coating module) and in which configuration these elements are to be employed, or how they will interact.

TECHNICAL

It can be gathered from K1 and K4 that an overprint coating is applied onto the gold ink by means of a second coating unit (item 3.3.4). This statement of facts reflects only a partial aspect of the independent claim of the contested patent, since the subject matter of the contested patent deals with a much more universal process. In this respect, the characterizing feature of connecting the doctor blade chamber by means of a feed pump and a suction pump (item 3.3.5) is not the only distinguishing feature of the subject matter of the independent claim.

Based on the cited prior art, item 3.4 presents the problem of inline-coating of quickly-evaporating aqueous printing inks / print coatings, and in item 3.5 the Opposition Division follows the object definition that was put forward by the opponent and is limited to "... improving the known doctor blade chamber system with anilox roller in such a manner that a problem-free transport of the aforesaid special printing inks or print coatings can take place within the *per se* known doctor blade chamber system or a *per se* known flexo printing unit within a multi color offset printing machine".

This decision does not make large enough an allowance for the fact that the problem definition continues further, namely to create a coating capability, which can be implemented in combination with additional printing- or coating processes downstream. Rather, the Opposition Division sided with the opponent, since allegedly all characteristic features of the independent claim – except the connection of feed- and suction pumps - were already known from K1.

Item 3.6 cites the documents K2 and K6. The assumption that a person skilled in the art – starting from document K1- would start examining the documents K2 and K6 is not comprehensible. Indeed, the opponent does not introduce any convincing reasons that would support this. It is true that K2 describes a doctor blade chamber with a screen applicator roller, but the form cylinder carries a blanket (coating blanket 124).

TECHNICAL DOCUMENT

MAN Roland Druckmaschinen AG

pp.

/signature/

F.-P. Richter

General power of attorney 36563

EPO
D-80298 München
Tel. 069/2399-0
TX 523 658 apmu d
Fax 069/2300-4465

European Patent Office

Boards of Appeal

Marek, Joachim, Cert. Eng.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S
Postfach 10 12 64
63012 Offenbach
Germany

Date: May 16, 2000

Ref. JMa/GScho	Application No./Patent No. 94103832.5-2304 / 0620115
Applicant/Proprietor MAN Roland Druckmaschinen AG	

File number T 0984 /99 -325

Please take note of the enclosed copy of

- ☐ the written statement by the patent proprietor of ____
- ☒ the written statement by the opponent 01 of May 10, 2000
- ☐ our written statement of ____

Michel Patin /signature/
Registry
Tel. (089) 23 99 -3261

Enclosures 1

By registered mail

Page 11 of Tab 20 is trilingual (The Translator)

2025-01-01

Koenig & Bauer Aktiengesellschaft
Printing Machines, Würzburg

KBA

Express Post

European Patent Office
Erhardtstr. 27

80331 Munich

Our references: 1P3.00620115/W-KL/00.0671/Sl/sa

Appeal file number T0984/99-325

Opposition against European patent EP000620115B1
European Patent application 94103832.5
Appellant : MAN Roland Druckmaschinen AG
Respondent : Koenig & Bauer Aktiengesellschaft

REGARDING THE COMMUNICATION OF JAN. 5, 2000

1. Motions

We request

- 1.1 to dismiss the appeal,
- 1.2 to uphold the Opposition Division's ruling on revocation of the aforesaid patent of Aug. 25, 1999, due to the contested patent not being based on inventive steps;
- 1.3 in the event that the filed motion can not be granted straight away, to issue an interlocutory communication to publicize the opinion of the Opposition Division to be formed after a provisional review.

Koenig & Bauer AG
P.O. box 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-87080 Würzburg
Tel. (0931) 9 09-0
Fax (0931) 9 09-41 01
Email: kba-wuerzburg@bba-print.de
Internet: www.kba-print.de

Date: 2000.05.10
Our reference: 1P3.0620115
Tel. (0931) 909- 44 30
Fax (0931) 909- 47 89
Your letter of Jan. 5, 2000
Your reference 94103832.5-2304

Chairman of the board:
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Board of directors.
Reinhart Slewert, chairperson
Albrecht Bolza-Schünemann, Cert Eng
Claus Bolza-Schünemann, Cert Eng
Dieter Jensen, Cert. Eng
Frank Junker, Ph D Eng
Andreas Mössner, Bachelor of Bus Admin
Burkhard Roos,
Walter Schumacher, Cert. Eng

Registered office: Würzburg
Registrar of companies Würzburg
Commercial Registration B 109

Postbank Nürnberg
Routing number 760 100 85
Account no. 422-850
Landeszentralbank Würzburg
Routing number 790 000 00
Account no. 79 008 600

- 1.4 as alternative, to schedule oral proceedings, if the filed motion can not be granted during the written proceedings.
- 1.5 If the request for oral proceedings is granted, we request to schedule the beginning of the oral proceedings for 10:00 am.

2. Grounds

Since in our opinion the patent proprietor does not present any new facts in the grounds for appeal, we refer – to avoid repetitions – to the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999, and to the statement by the opponent of June 30, 1999.

Only in regard to K6, we refer explicitly to item 3.6.1 of the “Ruling on the revocation of the European patent (article 102(1) EPC)” of Aug. 25, 1999.

Koenig & Bauer Aktiengesellschaft

/signature/
pp. Stiel
General power of
attorney No. 36992

/signature/
per pro Schäfer

Enclosure:
1 duplicate of this letter



**Produktbereich
Bogenmaschinen
Offenbach/Main**

Europäisches Patentamt

D-80298 München

Ihre Zeichen, Ihre Nachricht vom

Unsere Zeichen, unsere Nachricht vom

Durchwahl

Datum

MR00644/DS/RW

-2158

18.10.1999

Betr.: Europäisches Patentanmeldung Nr. 94103832.5 / EP 0620115 B

2364 qpo

"Einrichtung zum Inline-Beschichten von Bedruckstoffen in Offsetdruckmaschinen"

Auf die Entscheidung über den Widerruf des europäischen Patentes vom 25.08.1999
gemäß Artikel 102(1) EPÜ

Gegen den Zurückweisungsbeschluß der Einspruchsabteilung vom 25.08.1999 erheben wir hiermit

Beschwerde.

Gleichzeitig wird mündliche Verhandlung beantragt. Die Beschwerdebegründung wird nachgereicht.

Die tarifgemäße Beschwerdegebühr in Höhe von € 1.022,— bitten wir lt. beigefügtem Zahlungsvordruck von unserem laufenden Konto Nr. 28000521 abzubuchen.

MAN Roland Druckmaschinen AG

ପ୍ରସଙ୍ଗ

i.v.

Stahl, AV 20809

Richter, AV 36563

Vorsitzender des Aufsichtsrates:
Dr.-Ing. E.h. Rudolf Rupprecht
Vorstand:
Gerd Finkbeiner, Martin Lang,
Dr.-Ing. Rainer Opferkuch,
Anton Weinmann
Amtsgericht: Offenbach HRB-Nr. 5137
Sitz der Gesellschaft: Offenbach/Main

Commerzbank AG, Offenbach/M., BLZ 505 400 28, Kto.-Nr. 4 289 666
Dresdner Bank AG, Offenbach/M., BLZ 505 800 05, Kto.-Nr. 5 082 621
Deutsche Bank AG, Offenbach/M., BLZ 505 700 18, Kto.-Nr. 0 750 000
Landeszentralbank, Offenbach/M., BLZ 505 600 00, Kto.-Nr. 50 508 110
US-Ido-Nr. DE 811136557

Zur Kasse

NOAP-RGVO

20. 10. 99 MM

MAN Poland
Druckmaschinen Aktiengesellschaft
Mühlheimer Straße 341
D-63075 Offenbach/Main
Postfach 101264
D-63012 Offenbach/Main
Telefon: (069) 83 05-0
Telex: 4 152 852 mro d
Telefax: (069) 83 05-14 40

No

Europäisches Patentamt
Beschwerdekammern

European Patent Office
Boards of Appeal

Office européen des brevets
Chambres de recours

Aktenzeichen / Case Number / N° du recours : T 0984 / 99 - 325

Verfügung / Order / Ordonnance

- 1) Nach dem Geschäftsverteilungsplan der Technischen Beschwerdekammern werden für Prüfung der oben bezeichneten Beschwerde folgende Mitglieder bestimmt:

In accordance with the business distribution scheme of the Technical Boards of Appeal, the following shall hear the above appeal:

Conformément au plan de répartition des affaires des Chambres de recours techniques sont chargés de l'examen du recours ci-dessus mentionné :

- | | | |
|-----|--|--|
| (1) | DMOSER ^X
Buchner | als Vorsitzender / Chairman / en tant que Président |
| (2) | Zellhuber | als technisch vorgebildetes Mitglied / technical member /
en tant que membre technicien |
| (3) | Di Carlo ^X
Biggio | als technisch vorgebildetes Mitglied / technical member /
en tant que membre technicien |

- 2) Als Berichterstatter wird bestimmt / The rapporteur shall be / Est désigné pour assurer les fonctions de rapporteur :

Zellhuber

- 3) An die Geschäftsstelle zur weiteren Veranlassung / Back to the Registry for further action /
A retourner au greffe pour attribution :

München / Munich,

06. 12. 99 AT

A. Kroll

Der Vorsitzende der Technischen Beschwerdekammer 3.
The Chairman of the Technical Board of Appeal 3. 2. 5.
Le Président de la Chambre de recours technique 3.

X) Änderung der
Zusammensetzung
der Kammer

17. 5. 00



✉ EPA/EPO/OEB
D-80298 München
089/2399-0
TX 523 656 apmu d
FAX 089/2399-4465

Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

COPY

Marek, Joachim, Dipl.-Ing.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S,
Postfach 10 12 64
63012 Offenbach
ALLEMAGNE

Datum/Date

25. 10. 99

Zeichen/Ref./Réf. JMa/GScho	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94103832.5 0620115
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire MAN Roland Druckmaschinen AG	

Die von Ihnen mit Schriftsatz vom **18.10.99.** gegen die Entscheidung der Einspruchsabteilung des Europäischen Patentamts vom **25.08.99** eingelegte Beschwerde ist der Technischen Beschwerdekammer **325** vorgelegt worden.

Die Beschwerde führt das Aktenzeichen **T0984/99-325**

Sie werden gebeten, alle weitere Eingaben in dieser Sache an die Generaldirektion 3 (Beschwerde) des Europäischen Patentamts im München zu richten und dabei das vorgenannte Aktenzeichen anzugeben.

Ausserdem wird im Hinblick auf Regel 36(4) EPÜ gebeten, allen Eingaben Überstücke für die Patentinhaberin/Einsprechende beizufügen.

A

Forward

Geschäftsstelle

Tel.(089)2399-

EPA E	2142	05 99	



✉ EPA/EPO/OEB
D-80298 München
089/2399-0
TX 523 656 epmu d
FAX 089/2399-4465

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Postfach 6060
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Datum/Date

25. 10. 99

Zeichen/Ref./Réf. 1P3.0620115 01	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 94103832.5 2304/0620115
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire AN Roland Druckmaschinen AG	

Die Patentinhaberin/~~Einsprechende~~

hat gegen die Entscheidung der Einspruchsabteilung des Europäischen Patentamts Beschwerde eingelegt.

Die Beschwerdeakte führt das Aktenzeichen **TO984/99 - 325**

Eine Abschrift der Beschwerdeschrift ist als Anlage beigelegt. Eine Abschrift der Beschwerdebegründung wird Ihnen nach deren Eingang zugestellt werden.

Sie werden gebeten, Eingaben in dieser Sache an die Generaldirektion 3 (Beschwerde) des Europäischen Patentamts in München zu richten und dabei das vorgennante Aktenzeichen anzugeben.

Im Hinblick auf Regel 36(4) EPÜ wird ferner gebeten, allen Eingaben Doppel für die Patentinhaberin/Einsprechende beizufügen.

Tel.(089)2399-

Anlage

MAN Roland Druckmaschinen AG



Produktbereich
Bogenmaschinen
Offenbach/Main

Europäisches Patentamt
80298 München

TO 984/99-325

Ihr Zeichen: TO 984/99-325
Ihre Nachricht vom: 25.1.1999
Unser Zeichen: MR00644/RI/PE
Unsere Nachricht vom:

Name: F.-P. Richter
Abteilung: Patente / Lizenzen
Telefon: (069) 8305-2872
Telefax: (069) 8305-1440
E-Mail: Franz-Peter_Richter@mro.man.de

Datum: 23. Dezember 1999

vorab per Fax 23. 12. 99

Europäische Patentanmeldung Nr. 94103832.5-2304 / EP 0 620 115 B1,
"Einrichtung zum Inline-Beschichten von Bedruckstoffen in Offsetdruckmaschinen"
Inhaber: MAN Roland Druckmaschinen AG
Beschwerdeaktenzeichen: TO 984/99-325

Mit Schriftsatz vom 18.10.1999 hat die Patentinhaberin Beschwerde gegen den
Zurückweisungsbeschluss der Einspruchsabteilung vom 25.08.1999 erhoben.

Als Anlage wird hiermit die Beschwerdebegründung nachgereicht. Die
Beschwerdeführerin beantragt, die Entscheidung der Einspruchsabteilung aufzuheben
und das Patent in vollem Umfang zu erteilen.

Die Bezeichnung der bereits im Einspruchsverfahren bezeichneten Dokumente wird
beibehalten (siehe I. Sachverhalt und Anträge, Pkt. 5.1).

Vorsitzender des Aufsichtsrates:
Dr.-Ing. E.h. Rudolf Rupprecht
Vorstand:
Gerd Finkbeiner (Vorsitzender)
Dr.-Ing. Rainer Oplerkuch,
Anton Weinmann, Paul Steidle (Stv.)
Amtsgericht: Offenbach HRB-Nr. 5137
Sitz der Gesellschaft: Offenbach/Main

Commerzbank AG, Offenbach/M., BLZ 505 400 28, Kto.-Nr. 4 289 666
DE70 5054 0028 0428 9666 00, COBA DE FF 505
Dresdner Bank AG, Offenbach/M., BLZ 505 800 05, Kto.-Nr. 5 082 821
DE10 5058 0005 0508 2821 00, DRES DE FF 505
Deutsche Bank AG, Offenbach/M., BLZ 505 700 18, Kto.-Nr. 0 750 000
DE19 5057 0018 0000 7500 00, DEUT DE FF 505
Landeszentralbank, Offenbach/M., BLZ 505 000 00, Kto.-Nr. 50 508 110
70 400 000 00

MAN Roland
Druckmaschinen Aktiengesellschaft
Mühlheimer Straße 341
D-63075 Offenbach/Main
Postfach 10 12 64
D-63012 Offenbach/Main
Telefon: (0 69) 83 05-0
Telefax: (0 69) 83 05-1



Die Einspruchsabteilung hat in der Entscheidung über den Widerruf des obengenannten Patentos bestätigt, dass die Neuheit gemäß Artikel 54 EPÜ unstrittig ist, jedoch weise der Anspruchsgegenstand keine erfinderische Tätigkeit im Sinne des Artikels 56 EPÜ auf.

Die nachfolgend angeführten Punkte beziehen sich auf II. Einspruchsgründe.

Als nächstliegender Stand der Technik wird von dem Dokument K1 (Offset Praxis 3/1993, Seite 12 –15) ausgegangen und es wird festgestellt, dass in K1 beschrieben sei, dass der in Bogenlaufaufrichtung vorgeordneten Lackiereinheit eine weitere Lackiereinheit direkt oder indirekt nachgeordnet ist (Punkt 3.3.1).

Diese Auffassung auf Basis von K1 hat die Patentinhaberin im Einspruchsverfahren nicht geteilt und teilt sie auch weiterhin nicht. Richtig ist, dass aus K1 und K1a hervorgeht, dass bei der Firma Busche, Dortmund, eine Fünffarben Roland 700 (mit fünf Farbdruckwerken) mit zwei direkt nachgeordneten Lackiereinheiten präsentiert wurde, wobei jede Lackiereinheit einen Formzylinder und ein Zweiwalzenwerk als Dosiersystem aufweist.

Ohne auf die Ausbildung der Lackierwerke hier näher einzugehen geht aus K1 nicht hervor, dass unter Berücksichtigung der Bogenlaufaufrichtung der ersten Lackiereinheit direkt oder indirekt die zweite Lackiereinheit nachgeordnet ist. Dieser Sachverhalt ist rückschauend dargelegt und entspricht nicht den Ausführungen gemäß K1.

In der Einspruchsbegründung (Punkt 3.3.2) wird gem. K1 davon ausgegangen, dass die entsprechend der Bogenlaufaufrichtung vorgeordnete Lackiereinheit als Flexodruckwerk mit folgenden Elementen ausgebildet sei:

- einem eine Hochdruckform tragenden Formzylinder, der mit dem Druckzylinder in Kontakt steht,
- einer Auftragwalze mit Rasterstruktur, die mit dem Formzylinder in Kontakt steht, und
- einem anstellbaren Kammerrakel.



Die Beschwerdeführerin ist der Auffassung, dass die Merkmale in dieser aufgeführten Anordnung aus K1 nicht expliziert zu entnehmen sind. So ist in K1 nicht angegeben, dass das in Bogenlaufrichtung erste Lackwerk ein Flexodruckwerk ist. Vielmehr geht aus K1, Seite 14, mittlere Spalte, letzter Absatz hervor dass die R 700 bei der Firma Busche neben den Farbdruckwerken zwei Lackmodule aufweist und dass ein Lackmodul das Flexodruckwerk beinhaltet und das zweite Lackmodul das eigentliche Lackmodul ist. Daraus geht aber keine Anordnung der Lackwerke unter Berücksichtigung der Bogenlaufrichtung hervor. Auch geht die in Punkt 3.3.2 zitierte Offenbarung aus K1, Seite 13, linke Spalte, zweiter Absatz und K1, Seite 14, rechte Spalte nach diesseitiger Auffassung durch diese Literaturstellen nicht hervor.

Weiterhin wird auf K4, Seite 22, rechte Spalte, vorletzter Absatz verwiesen, daraus geht wiederum eine Fünffarben Roland 700 mit zwei Lacktürmen hervor, wonach im ersten Lackturm im Flexodruck und im zweiten Lackturm im Lackbetrieb (K4, Seite 23, linke Spalte oben) gearbeitet wird.

Schließlich wird noch K7, Seite 42 und 43 zitiert.

Aus keinem der zitierten Dokumente geht die Ausbildung der Flexodruckmaschine mit den im unabhängigen Anspruch aufgeführten Elementen hervor. Es wird lediglich in K1, Seite 13, rechte Spalte unten darauf hingewiesen dass Versuche zum Einsatz einer Rasterwalze und eines Kammerrakelsystems der Optimierung des Verfahrens dienen würden. In K4, Seite 23, mittlere Spalte unten, wird dies bestätigt und der Verfasser des Artikels folgert weiterhin: "Also ist die Erprobung noch nicht zu Ende. Kurzfarbwerk für den Golddruck?" Damit stellt der Verfasser der Fachwelt die Frage wie ein derartiges Lackwerk aussehen soll.

In Punkt 3.3.3 sind die Ausbildungen aus K1 (Versuche noch erforderlich) und in K7 (angekündigte Endversion Kammerrakel/Rasterwalze) aufgeführt. In welchem Lackwerk (Lackmodul) diese Elemente und in welcher Anordnung sowie in welchem Zusammenspiel diese dort einzusetzen sind, bleibt jedoch in K1 offen.



Aus K1 und K4 ist zu entnehmen, dass mittels des zweiten Lackwerkes ein Überdrucklack auf die Goldfarbe aufgebracht wird (Punkt 3.3.4). Dieser Sachverhalt ist nur ein Teilaspekt des unabhängigen Anspruches des Streitpatentes, denn das Streitpatent hat eine wesentlich universellere Verarbeitung zum Gegenstand. Insofern unterscheidet sich der Gegenstand des unabhängigen Anspruchs auch nicht ausschließlich durch die Merkmale dass das Kammerrakel mittels Förderpumpe und Saugpumpe verbunden ist (Punkt 3.3.5).

Ausgehend vom zitierten Stand der Technik wird in Punkt 3.4. das Problem der Inlineverarbeitung schnell verdunstender, wässriger Druckfarben/Drucklacke aufgeführt und in Punkt 3.5. schließt sich die Einspruchsabteilung der von der Einsprechenden eingebrachten Aufgabenstellung an, die sich darauf beschränkt "... das an sich bekannte Kammerrakelsystem mit Rasterwalze dahingehend zu verbessern, dass ein problemloser Transport der genannten, speziellen Druckfarben bzw. Drucklacke innerhalb des an sich bekannten Kammerrakelsystemes eines an sich bekannten Flexodruckwerkes innerhalb einer Mehrfarbenrotationsdruckmaschine erfolgen kann".

Dass die Problemstellung weiterführt, nämlich eine Beschichtungsmöglichkeit zu schaffen, die in Kombination mit weiterbehandelnden Druck- oder Beschichtungsvorgängen durchführbar ist, wurde in dieser Entscheidung zu wenig berücksichtigt. Vielmehr folgte die Einspruchsabteilung der Einsprechenden, da angeblich aus K1 bereits alle Merkmale des unabhängigen Anspruches - mit Ausnahme der Förder- und Saugpumpenanbindung - bekannt seien.

In Punkt 3.6 werden die Dokumente K2 und K6 aufgeführt. Dass der Blick eines Fachmannes - ausgehend vom Dokument K1 - auf die Dokumente K2 und K6 gerichtet war, ist nicht nachvollziehbar. Die Einsprechende bringt hierfür auch keinen triftigen Grund ein. K2 beschreibt zwar ein Kammerrakel mit einer gerasterten Auftragwalze jedoch trägt der Formzylinder ein Gummituch (coating blanket 124).



Damit ist das als hilfweise zuschaltbare Vorrichtung ausgebildete System kein Flexodruckwerk, wie es Gegenstand des unabhängigen Anspruches des Streitpatentes ist, sondern es liegt hier ein Flachdruckwerk vor. Das ein Kammerrakel mit Zuführ- und Rücklaufleitung und Förder- und Saugpumpen (Umlaufsystem) zu betreiben ist, geht aus K1 nicht hervor. Dass ein derartiges Umlaufsystem für die Verarbeitung von schnellverdunstenden, wäßrigen Druckfarben/Drucklacken mit hohem Pigmentanteil bzw. groben Pigmenten (dies ist Teil der Problemstellung im Streitpatent) einsetzbar ist, ist weder durch K2 noch K6 bewiesen noch nahegelegt.

Die Beschwerdeführerin ist deshalb der Auffassung, dass das Streitpatent durchaus auf einer erfinderischen Tätigkeit basiert.

MAN Roland Druckmaschinen AG
ppa i.V.

D. Stahl, AV 20809

F.-P. Richter, AV 36563

MAN ROLAND



☐ EPA / EPO / OEB
D - 80298 München
☎ 089 / 2399 - 0
Tx 523 656 epmu d
Fax 089 / 2399 - 4465

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Marek, Joachim, Dipl.-Ing.
c/o MAN Roland Druckmaschinen AG
Patentabteilung/FTB S,
Postfach 10 12 64
63012 Offenbach
ALLEMAGNE

Datum/Date

16.05.00

Zeichen/Ref/Réf

JMa/GScho

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°
94103832.5-2304/0620115

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
MAN Roland Druckmaschinen AG

Aktenzeichen T 0984 / 99 - 325

In der Anlage erhalten Sie eine Kopie

- ☐ des Schriftsatzes der Patentinhaberin vom _____
☒ des Schriftsatzes der Einsprechenden 01 vom 10.05.2000
☐ unseres Schriftsatzes vom _____

mit der Bitte um Kenntnisnahme.

Michel Patin
Geschäftsstelle
Tel. (089) 23 99 - 3261

Anlage

Einschreiben



✉ EPA/EPO/OEB
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☎ 089 / 2399-0
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KOENIG & BAUER Aktiengesellschaft
Postfach 6060
97010 Würzburg
ALLEMAGNE

R2

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05. 01. 00

Zeichen/Ref/Réf
1P3.0620115

OPPO 01

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°
94103832.5-2304/0620115

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
MAN Roland Druckmaschinen AG

Aktenzeichen

File Number

Numéro du dossier

T 0984 / 99 - 325

Beiliegend erhalten Sie eine
Abschrift der Beschwerde-
begründung.

Please find enclosed a copy of
the statement setting out the
grounds of appeal.

Veuillez trouver, ci-joint, une co-
pie du mémoire exposant les
motifs du recours.

Für eine eventuelle Erwide-
rung hierauf wird eine Frist
von vier Monaten bewilligt.

Any submissions in answer
hereupon must be filed within
four months.

Un délai de quatre mois vous
est accordé pour y répondre
éventuellement.

A. Townend
Geschäftsstelle
Tel. (089) 23 99 -

A. Townend
Registry
Tel. (089) 23 99 -

A. Townend
Grefte
Tél. (089) 23 99 -

Einschreiben

Registered letter

Lettre recommandée

Koenig & Bauer Aktiengesellschaft
Druckmaschinen, Würzburg



Post Express

Europäisches Patentamt
Erhardtstr. 27

80331 München

Koenig & Bauer AG
Postfach 60 60
D-97010 Würzburg
Friedrich-Koenig-Str. 4
D-97080 Würzburg
Telefon (09 31) 9 09-0
Fax (09 31) 9 09-41 01
E-Mail: kba-wuerzburg@kba-print.de
Internet: http://www.kba-print.de

Datum 2000.05.10
Unsere Zeichen 1P3.00620115
Tel. (09 31) 9 09- 44 30
Fax (09 31) 9 09- 47 89
Ihr Schreiben vom 05.01.2000
Ihre Zeichen 94103832.5-2304

Unsere Zeichen: 1P3.00620115/W-KL/00.0671/SI/sa

Beschwerdeaktenzeichen T0984/99-325

Einspruch gegen europäisches Patent EP000620115B1

Europäische Patentanmeldung 94103832.5

Beschwerdeführer: MAN Roland Druckmaschinen AG

Beschwerdegegner: Koenig & Bauer Aktiengesellschaft

AUF DEN BESCHEID VOM 05.01.2000

1. ANTRÄGE

Es wird beantragt,

- 1.1. die Beschwerde zurückzuweisen,
- 1.2. die Entscheidung der Einspruchsabteilung vom 25.08.1999, das o. g. Patent zu widerrufen, aufrechtzuerhalten, da das angegriffene Patent nicht auf erfinderischer Tätigkeit beruht;
- 1.3. sofern dem gestellten Antrag nicht ohne weiteres stattgegeben werden kann, einen Zwischenbescheid zu erlassen, und die

Aufsichtsratsvorsitzender:
Peter Reimpell
Vorstand:
Reinhart Siewert, Vorsitzender
Dipl.-Ing. Albrecht Bolza-Schunemann
Dipl.-Ing. Claus Bolza-Schunemann
Dipl.-Ing. Dieter Jensen
Dr.-Ing. Frank Junker
Dipl.-Betriebsw. Andreas Moßner (Stellv.)
Dipl.-Ing. Walter Schumacher

Sitz der Gesellschaft Würzburg
Amtsgericht Würzburg
Handelsregister B 109

Postbank Nürnberg
BLZ 760 100 85
Konto-Nr. 422-850
Landeszentralbank Würzburg
BLZ 790 000 00
Konto-Nr. 79 008 600

17

nach vorläufiger Prüfung sich ergebende Stellungnahme der
Einspruchsabteilung bekanntzugeben,


- 1.4. hilfsweise eine mündliche Verhandlung anzuberaumen, falls
dem gestellten Antrag nicht bereits im schriftlichen Verfahren
stattgegeben werden kann.
- 1.5. Sollte der mündlichen Verhandlung stattgegeben werden, wird
beantragt, den Beginn der mündlichen Verhandlung auf 10 h zu
legen;

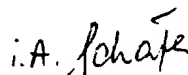
2. BEGRÜNDUNG

Nachdem die Patentinhaberin nach diesseitiger Ansicht keine neuen
Sachverhalte in der Beschwerdebegründung aufzeigt, wird – um
Wiederholungen zu vermeiden – auf die „Entscheidung über den
Widerruf des europäischen Patents (Art. 102(1) EPÜ)“ vom 25.08.1999
und auf die Eingabe der Einsprechenden vom 1999-06-30 verwiesen.

Lediglich zu K6 wird explizit auf Punkt 3.6.1 der „Entscheidung über
den Widerruf des europäischen Patents (Art. 102(1) EPÜ)“ vom
25.08.1999 verwiesen.

Koenig & Bauer Aktiengesellschaft


i.V. Stiel
Allg. Vollm. Nr. 36992


i.A. Schäfer

Anlage

1 Doppel dieses Schreibens

1990-1991

CITED DOCUMENTS